Court of Appeal
Fourth Appellate District
Division Two
ELECTRONICALLY FILED

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By: L. Del Rio

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P.O. Box 1050 (A2/TAFOYA/BS8619)
Soledad, CA 93960

IN THE CALIFORNIA COURT OF APPEAL

FOURTH APPELLATE DISTRICT

In RE: the matter of:

- Robert "Tafoya",

On Habeas Corpus

No. E084312

NOTICE / MOTION ON RELIEF
SERVICE / POST ISSUE;

TO: Clerk of the Court; Presiding Justice(s);

TO: Parties of Interest;

A mail issue has occurred and this court must disregard the service attached to petitioners reply on the attorney Generals Informal Response. Petitioner requests this court provide relief by simply advancing the 11/12 due date to the date of this posting and accepting the reply and exhibit files attached. Motion files intended for tandem review already on file remain valid. Having now paid for the necessary postage and resolved the issue, a new service declaration is attached (End of files).

Finally, the "timely" copy of reply received was a draft, albeit final, and minor changes arose. References, citation pinpoints and exhibit numbers allowing one to claim the entire packet CiteChecked() are at issue. Otherwise no substantive change had occurred. This is, however, the copy served on the Attorney General / Respondent, prior post issue / mishap.

As such, I respectfully urge the court to allow technical amendment, in consideration of the mailing mishap. I apologize greatly, but could not let something I felt invalid stand w/o notice and attempted correction.

Respectfully,

Robert Michael Vanleeuwen
* Declared Where Appropriate (28 USC § 1746)

IN THE CALIFORNIA COURT OF APPEAL

FOURTH APPELLATE DISTRICT

In RE: the matter of:

- Robert "Tafoya",

On Habeas Corpus.

No. E084312

TRIAL CN: RIF2000128
APP CN: E079488

< 11/10/24 | File 1 of 4 >

CiteChecked() | Exhibits Separate ()

PETITIONERS REPLY TRAVERSING

INFORMAL RESPONSE

11/10/2024

Filed By:

Robert Michael Vanleeuwen

P.O. Box 1050 (A2/TAFOYA/BS8619)

Soledad, CA - 93960

Vanleeuwen (Tafoya) on Habeas Corpus

CERTIFICATE OF IDENTITY

I, Robert Michael Vanleeuwen ('van Leeuwen'), party in/to the instant action, am associated with the name 'Tafoya' in other matters by assignment. I have at all times since birth, been known by, recognized as, and associated with, the name of 'van Leeuwen'('Vanleeuwen'), my blood born true family name and providence - an association inhered to race, creed, ancestry, national origin (cf,Unruh,Cal Civ § 51,etseq,43*).

I certify that 'Vanleeuwen' ('van Leeuwen') is my true and legal name (101 Ops Atty Gen 76(2018);McGhee,147 Cal App 2d 25, 26(1956)) and is regardless of any other legal associations(s) in state register/docket (Ray,46 Cal App 311,314(1920)). Its use is not malefic or illicit, nor does it affect an assent to contract or verification of legal documents (Doe,194 Cal App 4th 750,754(2011);McMullen,204 Cal App 3d 1,3-4(1988)). I here proceed in voce legis.

Pursuant 28 USC § 1746 ~~I~~ declare under penalty

Robert Michael Vanleeuwen
Father of Marjorie L. Ramirez

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PETITIONERS REPLY TRAVERSING INFORMAL RESPONSE

< To the Honorable Justices of this Court >

Tandem Submissions

There are 3 documents filed in tandem with this responsive pleading: (1) An independent request for Judicial Notice(s) in support (TANDEM 1)(See Cal R. Ct,Rule 8.252); (2) Request for consideration of Sanction/Admonishment (TANDEM 2)(See Cal R. Ct,Rule 8.276); (3) Request for Admissions from AG (TANDEM 3) (See Cal Civ Proc § 2033.010). Material CiteChecked()

Introduction

While attempting to request new counsel on appeal, having been denied request for pro-se appointment - petitioners motion was striken from record and lodged with the court as a petition for writ of Habeas Corpus (Exh.15). An 'Informal Response' was requested "addressing only whether an order to show cause (OSC) should issue" (Exh.15). After 3 extentions (Exh.15 pp4-8), a "response" was filed. Petitioner here responds.

Posture of Informal Response

For reasons totally unkown, respondent asserts no prima-facie case was made to justify relief (eg,IR 6:14), all the

While citing authority to the contrary (eg,IR 45:3-28/51:4-16) and describing circumstances unethically - by ommission of the material facts that would justify relief, and refusing to respond to those contentions requiring concession (eg,infra, TANDEM 2 @ pp 8 [desc. 42 ommissions/falsities in IR]).

Verified Reply In Traverse

< Petitioner, by this Verified Reply >

1. Petitioner DENIES each and every allegation set forth by/in the 'Informal Response' (IR) - Except what is expressly here admitted in this submission.

2. A prima-facie case was made through the appellate IAAC (!) rubic (Spears,157 Cal App 3d 1203,1210(1984);Hampton,48 Cal App 5th 463,465(2020)). As is again supported hereafter.

3. Petitioner acknowledges and endorses respondents admission as to the Record on Appeal (ROA), in that it is, in fact, incomplete (IR 44:1-9). Petitioner Re-Iterates Request for a proper augmentation.

4. Petitioner acknowledges and endorses respondents admission as to selective prosecution and ulterior motives of the case, as it may be construed by presentation (eg,IR 27:8 [Markets 'parent' as 'bio only'];49:1-5 [same]), conduct (eg,TANDEM 2 [Spoilation/Misrep.of fact/testimony/record/law]).

5. Petitioner acknowledges respondents admission as to merit in petitioners claim to parentage, as is shown, independent of any context - petitioner meeting presumptions under law ((Cal Fam §§ 7601,7611-13*)(eg,IR 9:22/28:25(&Exh. 9)[long-term contact w/child,2012/15];37:4-5/49:8-16(&Exh. 6)[2019/20 pre-arrest] (Thats 8 yrs);49:1/32:16(@title)[continued decl. of nat.child]; 12:10/28:1(&Exh. 4)[entry,"brief moment"];See Kelsey S.,1 Cal 4th 816,848(1992)(Lead opn. Baxter J.)["briefly, perhaps [only] a single day... can achieve" presumption]) - also note a clear design, testimony attacks 7611, state as civ counsel?).

6. Petitioner admits to the following:

A) To title text, subh(b) IR, "facts" (IR 2:11/17:9 ["Tafoya contacted M.R. and B.P. repeatedly despite E.R.'s efforts to keep him away from them"]), as is written, independent of context, noting that contact was a "2-way street" (Exh. 6) and that the "efforts" were directed solely at the children, abusing them psychologically. The children -- NOT restrained, nor ever requested to violate such - contact was a right

B) As to commitment (eg,IR 40:6-12/49:1 [ind. of cntxt]), that I will, at all times remain committed to the welfare of Marjorie & Siblings - never deny them in word or act - and, within the confines of the law, always seek to ensure provision & their right to lawful inheritence - willing, unconditionally, to sacrifice as a father is expected, even if never to be reunited (n.2)

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n.1 - The state has no business acting as counsel in civil or family actions. The use of the long arm of the law to aid a favored private party is immoral (See pp37).

n.2 - 'Modern Parental Attitude' is "Sacrifice for the child" (Besel,71 Wn2d 112,114(1969);S.Y,201 Cal App 4th 1023,1024 (2018)[will to sacrifice];A.A.,114 Cal App 4th 771,781 (2003)[commitment];96 Cal App 5th 596(2023)[inherit.]).

6. Petitioner gives notice of respondents failure to remain in compliance with the rules governing form and sufficeincy of a pleadings service (Cal R. Ct, Rule 8.385), in that respondent failed to serve or otherwise provide copies of the items cited in record, notably depriving petitioner of a fair oppourtunity to hold respondent accountable and otherwise effectively counter contentions or misrepresentations in record (id).

7. Petitioner pleads the petition and each / every allegation therein (HCP), such being construed for Habeas Corpus relief, here as a traverse to respondents informal response brief (IR). A copy of said initial petition is here attached (Exh. 1) and made a part hereof (n.3).

8. Notwithstanding pt. #7 above, petitioner re-alleges grounds for relief with specificity in pt. #09-11.

9. GROUND 1: Petitioner has been deprived of the effective and actual assistance of counsel on appeal. Grounds include the (1) failure to raise claims of merit (Spears,157 Cal App 3d 1203, 1210(1984);Hampton,48 Cal App 5th 463,465(2020));(2) failure to ensure a complete record on appeal, despite due warning of the incomplete nature thereof (Exh. 12)(Barton,21 Cal 3d 513, 519-520(1978));(3) A Lack of communication, provision, notice and improper concession(s) (Smith,3 Cal 3d 192,197(1970);also, Anders,386 US 738,744(1967)).

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n.3 - Infra, n.8(@ pp36) - re: incorp. by ref. ()

10. GROUND 2: New Evidence here "presented without substantial delay, is admissible, and is sufficiently material and credible that it more likely than not would have changed the outcome of the case" (Cal Pen § 1473(b)(1)). This includes new witnesses and material (Exh. 2 ;HCP @ A2) - (1) goes toward petitioners actual innocence (Cal Pen § 1473.7(a)(2);See Lawley,42 Cal 4th 1231,1238(2008)[Requisite showing abrogated by amend. of sec. 1473,etseqs]), his state of mind, declaration of and legal presumption on parentage... as well as adversarial witness' credibility (Hall,30 Cal 3d 408,420(1981)[HC ptnr. may provide "any evidence not presented [at] trial [for] establishing his innocence" after introducing "newly discovered evidence"]);(2) evinces the perpetration of fraud and misconduct by conflicted state actors, including false testimony suborned by the state prosecutor (Cal Pen § 1473.5(a);Wagner,2 Cal App 5th 774,777 (2016)[showing impeachment of officer test. sufficient]).

11. GROUND 3: 'Actual Innocence' - notwithstanding pt. # 10, by federal standard (Bousley,523 US 614,623(1998);also Santoro, 53 F.4th 470,482(2022)[desc. diff. between Cal Pen § 1473.5* & fed. stndrd]). Petitioner alleges fundamental constitutional error violating due-process (US Const., Amend. XIV(1868)) and on grounds that cumulative error, including prosecutorial and police misconduct (Smith,924 F2d 889,897(1990);Ramirez,710 F2d 535,540(1983)), errors of defect, substantive trial issues in charge / notice (Murray,477 US 478,487(1986)) created a undue misscarriage justifying relief.(Taylor,763 F3d 1242,1246(2014) [both standalone & gateway claims recognized in 9th Cir.]).

12. Petitioner attaches and incorporates herein (⬇) a limited scope memorandum in support of the petition, reaching the facts sufficient to justify an order for cause.

WHEREFORE, petitioner prays the court:

A. Issue an order for cause, liberally construing the petition and this reply, as to effectuate substantial justice between parties - reaching the claims within, and exercising its inherent authority to protect the accused and his child(ren) from such unjustified government intrusion into the family (John W.,41 Cal App 4th 961,965(1996)).

B. To appoint petitioner as his own counsel, allowing him to represent himself in the remainder of these proceedings, and in consideration of the common sense reality that 'No man can fight with more vigour and will, bring more dignity to the protection of his **own, than that of the father for his child'.**

VERIFICATION

I, Robert Michael Vanleeuwen, petitioner in the underlying action, have read the foregoing reply traversing the informal response, attached memorandum, lodged exhibits and material so incorporated, and know the contents thereof to be true, by or through citation, exhibit, notice, knowledge and experience.

PURSUANT 28 USC § 1746 - I declare the foregoing as true under penalty of perjury

|| 11/10/2024

Robert Michael Vanleeuwen

MEMORANDUM IN SUPPORT

V

THIS COURT SHOULD ISSUE AN ORDER TO SHOW CAUSE - BUT NOT JUST ON THE PRIMA FACIE CASE MADE OR RESPONDENTS ADMISSIONS...

From the start, this has been about my standing to sue, fight back, escape from the abuse... and while my case is far from the worst this state has seen (See John W.,41 Cal App 4th 961,964-65(1996)[mom uses kid/state actors to falsely claim abuse to win custody/remove father,4th Dist. Div 3]), my case may be the most obvious: Arrested on 1 theory, prelim hosts a 2nd, to trial on a 3rd, mid-trial switch on a 4th - prosecutor attends civil hearings (Exh. 11) officers lie (Exh. 3) and even approach the kids (Exh. 6) - not even TRYING to hide it - as 1 of thousands of similiarly situated litigants (n.1) is singled out - not because any order was violated - no (n.2) - but by chance the mother had the right friends to impart favor.

Restraint from non-victim children; crying "victim" just for being sued; pre-trial detention in a non-vio case and over a non-vio party - telling the kids not to speak to, even fear the other parent; spoilation of testimony - the questions dont stop once you start asking... so let me be clear...

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n.1 - Prosecutor(s)/LEO(s)/Jdg(s)/now AG(s) have all at 1 pt. or other acted as if term 'parent' is bio only (eg,IR 27:8/ 48:26/49:1-5)-Is Selective Prosecution (See pp 37).

n.2 - "without overtly violating restr." = didnt (ArrestRep.)

When I first held Marjorie I was just a kid myself, really oblivious to the idea of fatherhood. But even when that tiny hand couldn't wrap my pinky (a reality on which many hours would be lost), her crackle and squinty eyes lit up the world. The first time I ever said the words "I love you"... It was a pinky promise I'll never forget.

-- I don't understand why it is me being put in this situation, or why they want so much for her to hear me deny her - but that isn't going to happen. It is obvious at this point: I was there when that tiny hand grew to fit mine, carried her atop my shoulders when she was tired, sacrificed my comforts, my meals, my wants... so that she could thrive. Can a single one of you say the same? Are you a parent? At what point do you think I'm going to deny the very thing that defines me? It's not me who's crazy here (Exh. 5 [Psych. Eval, reports "High Cognition/Function" and "Robust PVT"]).

What I really don't get is how any of this had anything to do with my ex-fiancee'. The family case was about visitation and keeping the woman who lies, cheated on me and took all I had, as far from the contact as possible. When it comes to my love for my daughter, it's not on the chopping block (n.3). It was jail the moment you thought I'd get custody. Approaching my child and tell her not to speak to me? Gaslight, even punish them to say no. "Correct" transcripts, lie... But the truth...

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n.3 - 'I Hold On',Dierks Bentley,RISER(2014,AlbumEd.) <https://perma.cc/SVF9-SSER/>, & if you ever read this,listen:@Marjorie 2:30--4:00,Promises never meant to be broken,fathers never meant to change.

I was a member of this community, always striving to make a difference and endlessly advocating for the less fortunate - living by a motto as home-grown as they come... "Be Real with Yourself, Others, & God" (M. Brown,SANDALS RIVERSIDE). My hopes and aspirations being of public service, continued involvement and support, I was hardly alone (Exh. 7 [posts];HCP @ A2[Council mem. letter]).

Yet the slander would have me believe it never true... and you almost forget who you are in the process.

In my case it was ignorance in law and the shame of being abused that separated me from a more defensible position (See, R. Camp,EXP. ABUSE,13 UCI L Rev 103,108(2022)["Shame permeates intimate partner violence", effect on social circle, self-worth worse on abused men]). The loss of my family unit... my father (adoptive)(IMG.A [Henry David]) the same year compounded.

This district is no stranger to the "danger that abuse allegations will be used as a weapon against a party" (John W., 41 Cal App 4th 961,977 @ fn20(1993)). This case is simply one of the potential outcomes - one in which favor was cast, every advantage taken (eg,K. Funk,HIST. ON BAIL,137 Har. L Rev 1816, 1828(2024)[desc. use of high/no bail to prevent release,label a criminal,inflict injury,encourage plea,limit preparation...];& Exh.2;HCP @ A2 [discussing tactics]).

-- I'm living proof one can be imprisoned on a whim. No evidence, just a whacky story and ever changing charge sheet, an adversary on home field advantage. My whole existence a daily attempt to survive, forced into the worst place a 128lb pacifist could be. Why? because I refused to deny my daughter? To what end? When I wake to the screams, another person hurt, I pray for peace, close my eyes and remember. It is her... them that I survive for... that pinky promise...

I

PETITIONER WAS DEPRIVED EFFECTIVE ASSISTANCE OF COUNSEL ON APPEAL

A. Summary

The asserted defect is the deprivation of the effective assistance of counsel on appeal (Spears,157 Cal App 3d 1203, 1209(1984)). Claims included (1) the lack of reliable contact, copy or provision, (2) an unjustified concession of guilt, and (3) the failure to raise claims of merit - among others...

Respondent asserts that "appellate counsel mastered [the] record" (IR 43:14-15), but fails to support such a claim or even their own qualification for such an assertion. Respondent contends no prejudice can be assumed, shown or proven (IR 51:1-11) and that in terms of the failure to raise claims of merit, that petitioner "had no reasonable possibility of prevailing on these claims" (IR 51:10). Respondent notably fails to actually respond to numerous concerns listed in petition, including the reliable communication and concession.

B. Standard of Review

A Habeas petitioner "need not establish that he was [ever] entitled to reversal in order to show prejudice in the denial of appellate counsel" (Spears,157 Cal App 3d 1203,1210(1984)) - rather, in terms of the failure to raise claims of merit, the

underlying claims need only be "reasonably arguable" on direct appeal (id, @ pp 1211-14) - this is because the constitution affords "as adequate and effective" review as possible (Barton, 21 Cal 3d 513,518(1978)).

The presumption that counsel has performed is based on at least two basic principles: (1) competency in and acting as an advocate on behalf of the defendant, and (2) an appellate record that will permit a meaningful, effective presentation of the defendants claims (id). The failure to raise claims of any merit goes toward the first (Spears,157 Cal App 3d 1203,1210 1210(1984)["a competent advocate include[s] the duty to 'argue all issues that are arguable'"]), as does the unreliability and concession issues (See Cal R. Prof. Conduct (RPC), Rule 1.1,1.3 and 1.4;also,Wren,34 Cal 3d 81,83(1987)[Atty susp. on failing to communicate & misrepresentation status/claims,etc]).

C. Underlying Claims of Merit are Arguable

The claims presented by petition (HCP) are arguable - in some cases admittedly so in the informal response (IR) filed (IR 46:6 ["surely constitute" = whether litigation papers are officially recorded judicial records ...]). The claims and a short summary of argument are listed in pt. 'II' (infra,pp26), and, as counsels failure is at issue, said claims are reviewed as if on direct, by their justified standard, and regardless if cognizable on Habeas otherwise (Spears,157 Cal App 3d 1203,1209 (1984);Hampton,48 Cal App 5th 463(2020)[same]).

D. The Record is Incomplete & Must be Augmented

Petitioner has notably asserted the need for augmentation of the Record on Appeal (ROA). Has done so numerous times, including in the initial petition (eg,HCP 2:34-42). In order to review the sufficiency of evidence, one must take into account the photos, and the clear statement they make with the testimony (n.4). This was the first concern raised in petition...

As with many of the issues, the Informal Respone (IR) fails to address this concern. Yet the respondent nevertheless confirms and therefore admits that the record is incomplete (IR 49:23-25), and that items necessary for a full and fair determination of the appeal, over which this action is based, are missing from the record. This includes, apparently, the complaints and amendments which would normally be required (Cal R. Ct, Rule 8.320(b)(1) & (d)(1)[Accusatory pleading & ANY amendment...]). Intentional? eh, probably - but the court already knows (See CN E075791 opn. over Vanleeuwen v. Ramirez, Parentage [Discusses charges];TANDEM 1(A1) [Lexis Print];2022 Cal App Unpub LEXIS 2739 *3(2022)).

E. Counsels Exclusion of Appellant Basis for Presumption of IAAC

From the start, petitioner has attempted to aid counsel on

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n.4 - As in, It's obv. ptnr. is no stranger to children.

appeal. Filing the Notice of Appeal (NOA) with description of case (Exh.12[NOA];cf,Cal Pen § 1240.1). Attempts to communicate began in earnest, and a letter of introduction was sent with all initial requests once appointment was made. Petitioner requested a copy of the record, which inherently included EXHIBIT #75, the first intended topic of conversation... or so thought...

Instead of a conversation, all petitioner got was a brick-wall. One through which it would take more than 9 calendar months to obtain EXHIBIT #75 alone... and even then, "as a courtesy" (Exh.13@pp4[atty letter]), and that was the FIRST topic.

It became clear that exclusion was the "norm" - and that the only reason the free-speech argument was raised over the facebook posts in EXHIBIT #75 was persistence. Even then, it was the same argument petitioner sent (CN E077508), albeit minor changes: it wasn't until AFTER filing that petitioner would know...of course that brings up the other point.

Petitioner has kept up to date with the docket by means of constant telephone contact with the clerks. Recieving no notices or even copies of filed documents - exception of the AOB, and in that case it took a couple requests to obtain a whole copy. In the case of Respondents brief, a whole 12 pages. In fact, it was during this action, here, petitioner recieved the brief filed in the matter of restitution. So out of all the briefs, petitioner has read three? No motions, Requests, its the clerks who help in understanding the docket.

Of course, this is how it works - No phone calls, no meeting or visits. "we'll handle it for you" is the usual response given by the appellate project, and the tried and true "if there's an issue we'll contact the trial counsel" -

. At the whole - even having to communicate in circles signifies the depth of the brick wall clients face.

This exclusion issue is arguably structural - a collateral consequence of a system overburdened and generally distrusting of clients. 80% of the clients would likely never be able to even understand any of the legal issues in their cases... a point the projects have taken note of. But in that whole 'You give em an inch they'll take a mile' concept, this states holding given in People v. Kelly,1 Cal 4th 495 (1992), giving attorneys the complete and utter autonomy in cases where clients can no longer assist in the presentation of their defense (because of mental health issues)(Kelly,1 Cal 4th 495,545-56(1992))... was a menace, where it's almost as if appellate procedure has adopted a sort of 'incompetent by lack of knowledge' standard to justify amicus style representation.

Of course, 'Kelly' (id) wasn't meant to be so broadly or liberally construed. Counsel has an affirmative constitutional obligation to act in the role of advocate... not merely "amicus curiae" (Anders,386 US 738,744(1967)). Counsel adopting such a standard inherently adopts a conflict of interest...

F. Counsel Acting as Amicus Curaie is Prejudicial Conflict

The constitutional right to the assistance of counsel is one inclusive of the correlative right to representation free from a conflict of interest (US Const., Amend VI (1791)), especially one that undervalues loyalty to the client (Wilson,14 Cal 5th 839,861 (2023)[clarifying deprivation by conflict]). As a general rule, a clients interests can be threatened by substantive, as well as a direct conflict, In other words, an attorney representing the interests of an adversary may be conflicted... but so can an attorney who carries "responsibilities to [other clients] or his own interests" (id). One step further, counsels own interests do inherently involve the very standards abided (id).

For example, appellate projects and appellate unions often publish memoranda - if a union which the attorney belongs to is opposing legislation, or seeking to influence law through member basis (ie, always argue X in cases where Q is being raised) may in scope, create a conflict, where such interests are generally adverse to the clients own.

In any event, an attorney has an ethical duty NOT to argue a a case against the client, with the exception of a ministerial prosecutor (Barton,21 Cal 3d 513,519(1978)), to do so is the open formation of a conflict - prejudice to be presumed (Strickland,466 US 668,692(1988)). Here, counsel inferred or otherwise ceded the clients guilt in the AOB (AOB,E079488 @p__) autonomously...

This of course is a pure conflict, where the appeals attorney makes assertions of guilt, based upon their own opinions, and not addressing the matter with the client, is wholly deficeint (See McCoy,584 US 414,422(2018)). As explained ante, counsel must act "in the role of active advocate" and not "amicus curaie" (Anders, 386 US 738,744(1967)), which counsel did when confronted with a viable argument why such was improper, and failed to respond with any legal reason such was not the case.

G. Concluding Point

Counsel has failed to raise a number of issues which carry a standing of merit, are reasonably arguable or raise questions of public concern. Further, counsel appears to cede, unjustifiably, guilt to a charge without notice or communication with the client and, when approached on the subject, with a request for counter argument and citation, failed to support the move.

Petitioner was assigned an attorney based out of the state of oregon. Has had almost no communications, and will have no form of visit or meeting. Contact by mail is unreliable, having received every cookie-cutter letter, and a host of responses that are seriously adverse to the petitioners participation in his own defense. It is apparent that [redacted] Petitioner is not being represented pursuant his interests and is prejudiced by counsels lack of direct relationable advocacy. Relief is therefore justified, and an order for cause should be issued.

II

UNDERLYING CLAIMS RAISED ARE REASONABLY ARGUABLE ON APPEAL, JUSTIFYING RELIEF

(i)

CONVICTION UNDER 115 PRECLUDED AS A MATTER OF LAW

A. Summary

The initial petition (HCP) raises preclusion (HCP 4:35-38/37:1-38:1-15*), which respondent considers to be invalid (IR 45/45:3-46:6), arguing that the term "instrument" in section 115 (Cal Pen § 115) covers all the affidavits, exhibits, motions, applications, requests, et cetera... filed with the clerk in furtherance of litigation. While confusion as to the term "instrument", which is used in a variety of ways in our states jurisprudence, may be commonly regarded - for reasons unknown, the respondent then asserts that petitioner didn't "simply [file] affidavits, [but] Judicial Council forms", which are provided for optional or mandatory use depending on the situation... as if that would even remotely change the qualifications involved pffft - sounds good though

B. What is Section 115?

Originally narrowly construed as a statute over conveyance of a fraudulent deed, the open terminology of section 115 (Cal

Pen § 115) has allowed its application in a more general sense to protect official records "entitled under our law to be recorded" (Baender,68 Cal App 49,52(1924)), and which generally tend to convey some right or entitlement thereunder (Murphy,52 Cal 4th 81,92(2011)).

So while respondent IS correct that the scope of section 115 (Cal Pen § 115) has expanded over the years (IR 45:16-23), none of the cases cited by respondent support the extent of the conviction in this instant case...

The main case that respondent uses, for example, People v. Murphy,52 Cal 4th 81 (2011), shows a defendant who's conviction under section 115 over the filing of a false theft report was reversed - not upheld - that defendant having filed a false report with the California Highway Patrol (CHP), a state public agency (ie,Cal Gov § 7920.540), should've been charged under a specific statute (Cal Veh § 10501 [false theft rep.]).

-- Though the court did spend a considerable amount of time comparing the elements of each offense, it only held that "although some other means MIGHT be possible" there was a specific statute the legislature intended (id), and while the court referred to section 115 as a more "general statute", it notably did NOT consider every issue that would be required if deeper review was necessary - and it was frank: "There is no precise...accepted definition of [a 115] 'instrument'", and it "is debateable whether [there's] support [for] the approach the people urge us to adopt, because" determination of law, and the

determination of legislative intent necessarily requires the consideration of "the entire context of the statutes" (Murphy, 52 Cal 4th 81,91(2011)).

Generally, the court will note that an "instrument" under section 115 (Cal Pen § 115) must convey a right (ie, Cal Pen § 115(e);Stats 2014 ch.455 § 1(AB1698)[adding (e)-(g)]) - or - as explained ante: "a document is an 'instrument' if... 'the government is required or permitted by law [to] act [thereon]; or [if it] materially affects significant rights or duties of third persons, when [such] is reasonably contemplated by [the] express or implied intent of the statute...which requires the filing, [and] registration, or recording of the document'" (Murphy,52 Cal 4th 81,93(2011)[qting Price,94 Wn2d 810,811]).

C. Sooo, What Record WOULD Violate 115?

Well, a Judgement - "The entry of judgement is the initial point from which rights arise" (Wilson,127 Cal App 2d 285,289 (1954)). An order qualifying there by definition, it was held that a defendant who tried to file a copy of a temporary order of restraint with the Marshal Service -- you know, checking a few extra boxes along the way -- was properly convicted under section 115 (Cal Pen § 115), especially since it was a court order "mutilated", which, under law, was specifically entitled to be recorded with a state public agency (ie,Cal Fam § 6381, etseqs;qting Parks,7 Cal App 4th 883,888(1992)[Noting TRO's / RO's recorded with agencies - CLETS - Order not Application]).

It should be noted that at no point has it ever been even alleged that petitioner "mutilated" any court order, judgement, decree - not even a clerks minutes or reporters transcript, if such could even pass the gauntlet of section 115's narrow definitions (Cal Pen § 115). The visitation order was real, and by God, respondent admits it was properly issued, at least in merit, if not by service (eg, pt.5 @pp10 [desc. admission as to merit parentage]).

D. What is NOT a Judicial Record that Violates 115?

Affidavits, motions, requests, applications, exhibits, et cetera... filed in the course of litigation. "Papers filed with the clerk [of the court] are considered to be an exhibit to the court" (12 Ca Jur. 3d § 17) for the purpose of "delivery to the judge" (12 Ca Jur. 3d § 26) as a "basis for adjudication" (id; Overstock,231 Cal App 4th 471,485(2014)[concrning open access to records, cf])

Even the words used to describe motions support this theme (n.5) - "When [an] application for new trial" must be "made on affidavit" (12 Ca Jur. 3d § 23) - a "Request for order" (JCF, Form FL-300) - et cetera... after all, a "verified pleading is itself an affidavit" (O'Brien,224 Cal App 2d 563,569(1964)).

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n.5 - Let us not forget: motion,MERRIAM WEBSTERS COLLEGIATE DICTIONARY (11th ed.) - (3) a proposal for action; (3)(b) a application made to a court or judge.

E. Construing Guilt would Impose a Facially Unconstitutional Prohibition

The state may not prohibit any form of speech or create a broad and vaugue rule prohibiting otherwise protected speech or acts -- such as the right of access to the court -- based upon the subject of said speech. The 1st Amendment "does not permit [imposition of] special prohibitions on those speakers who express views on disfavored subjects" or ideas... (R.A.V.,505 US 377,382,391(1992)).- Which is exactly what happens when you throw a man in prison for 'fraudulent filing' just because he holds himself a father, believes he qualifies as one or just expresses a personal belief in a potential biological relation and solely based on the opinion of a legal adversary - Prison for suing someone who doesnt agree with being sued...

-- That just doesn't make sense...

F. Standard of Review

The interpretation of a statute is a question of law that is subject to de-novo review (Prunty,62 Cal 4th 59,71(2015)).

G. Concluding Point

The presence of a valid "instrument" and preclusion is a plainly meritorious issue counsel should've clearly raised in direct appeal. The failure to raise it is sufficeint to show prejudice (Hampton,48 Cal App 5th 463,465(2020)).

(ii)

THE CHARGE SHEET WAS FATALLY DEFECTIVE & FAILED TO STATE A VALID OFFENSE FOR PERJURY UNDER SECTION 118

A. Summary

At conviction the charge sheet presented 7 counts under **statute of** 'Perjury' (Cal Pen § 118) listing various documents indiscriminately. This included random pleadings, papers, even motions, requests and replies / traverses to adversarial filing in what was and technically still is pending litigation (as in an ongoing justiciable controversy in multiple active actions) and without specifically noting **WHAT** the falsity actually was or whether it was material in nature (n.6)

Instead, it was generally stated that a document was false and materially so. At which point, after trial, an instruction was then modified / adopted / given to the jury to determine guilt on whether, in their opinion, defendant was the father or otherwise had the qualification to believe so (Exh.14). While this simply meant petitioner would be subject to uncertainty through some multi-faceted concept, where the crime itself was only specified after trial - the attorney general appears stoic in their disinterest.

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n.6 - Common sense dictates that a failure to state the "crime" but state that "whatever crime it was it was material" is not actually stating the materiality of anything...

B. Standard of Review

The sufficiency of an indictment or information in action is generally a matter of law (Robles,117 Cal 681,682-83(1897); Teixeira,59 Cal App 598,602(1922)) which is reviewed de-novo and in consideration with surrounding circumstances as to the substantial rights of the parties (Cal Const., Art. VI § 13; Cal Pen § 1404).

C. Procedural Posture

Over 100 years of law and precedent has given us a clear understanding from which to frame the sufficiency of notice and charge of 'Perjury' (Cal Pen § 118). "Due process requires that an accused be advised of the charges against him in order that he may have a reasonable opportunity to prepare and present his defense and not be taken by surprise" (Hess,45 Cal 2d 171,175 (1955)). "[T]he purpose of [a] information is to inform the accused of the charge which he must meet at trial" (Curtis,36 Cal App 2d 306,317(1939)) - and statute for 'Perjury' (Cal Pen § 118) "confines the offense to [he] who [under oath,] wilfully states a material matter that he does not [actually] believe to be true" (Bronston,93 S.Ct. 595,599(1973)). The "statute must NOT be loosely construed" (8 Witkin Cal Crim L. § 103) and the sufficiency of pleading required is specific (Cal Pen § 966), where "the substance", "oath", and "proper allegations of the falsity" (id) must "set forth in detail such [falsity], and wherein it was false" (Barry,153 Cal App 2d 193,202(1957)).

In the present case it cannot be said that the amendment on 12/10/2021 (IR 6:17-18) gave any specific notice... It was not even transactionally related to the charging concepts used over the course of the prior two years of pendency - nor was it the manner on which the prosecution rested at trial not 24 hours prior... No matter respondents arguments, the falsity on which trial is supposed to be based is not listed (n.7) - the point cannot be denied.

D. Perjury Must be Pled with a Particular Exactness

As has been noted - "an accusatory pleading must contain averments of ultimate facts" and not just "conclusions of law" (17 Ca Jur. 3d § 608;Turner,122 Cal 679,680(1898)[holding rev. of mere conclusion of law 'did wilfully testify falsely' not sufficient for notice or charge]) and that requires "proper allegations of the falsity [on] which perjury is [being] assigned" (Cal Pen § 966) which "set forth in detail such testimony, and points out wherein it was false [because] such allegations advise the defendant of the charge against him in such a manner as to enable him to properly prepare a defense" (Barry,153 Cal App 2d 193,202(1957)). Though respondent does notably disagree (eg,IR 44:1-11) arguing notice was given by statute allowing the courts sua-sponte amendment (id)... such

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n.7 - Judicial Notice is Requested (See TANDEM 1 (pp 8)) of the complaint(s) and information(s) filed in the underlying action, petitioner not having been provisioned record()

an argument is irrelevant. Whether the court can sua-sponte amend a pleading legally is of no consequence when the court is by no means able to exercise such discretion to deprive the defendant of notice or allow a facially defective pleading to stand (Graff,170 Cal App 4th 345,360-62(2009)).

To the extent that respondent argues the matter is waived by a failure to demurr - matters of substance are not waivable issues (Posey,32 Cal 4th 193,195(2011)[defects going to subst. rather than form; failure to state an offense being one - not waivable by failure to demurr]). Thus it was an abuse of the courts discretion in denying petitioners attempt to demurr by motion to dismiss before trial, and further by allowing the amendment of a pleading (See '(iii)'), already defective, to a completely new and also defective form while denying all the objections / motions thereto. Review of such denials are also de-novo (Keating,21 Cal App 4th 145,150(1993)).

E. Concluding Point

The information filed on 12/10/2021 - midtrial - was, in more than one way defective. In terms of the charge to a crime of 'Perjury' (Cal Pen § 118) the pleadings failed to aver the falsity, how or where it was false, instead labeling documents with hundreds of truths (Ie. every address on the UCCJEA, all claims in 'why orders in the best interest' pleading (Exh. 4), including nicknames (POOP)) and claiming they were perjured by nature of a conclusory opinion.

(iii)

RESPONDENTS FAILURE TO ADDRESS CLAIMS RAISED IN THE INITIAL PETITION LEAVES SUCH CLAIMS STANDING AS REASONABLY ARGUABLE

A. Summary

Respondent failed to meet a number of claims raised. Strict review in construing the document was used, even though it was a universally known fact that the initial petition was originally formatted within the confines of 'Barnett', precedent governing form of pro-se filings made in appellate cases where counsel is appointed (Barnett,31 Cal App 4th 466,473(2004)[limits filings to those re: representation, substantive argument can not be direct presentation]). Within these confines, petitioner separated the arguments of the claims of merit into an exhibit. Listing only a name in the motion itself.

B. Respondent Mistakenly Believed Facts Didn't Apply

"As Tafoya provides no support for this claim beyond a mere heading" (IR 50:11-13), respondent didn't reach the claim. Citing 'Reno', respondent attempts to justify this act (IR 50:13;Reno,55 Cal 4th 428 (2012)[holding the exact opposite...]).

-- As it is well known that the common law rule of specific pleading, requiring every claim to stand of its own merit; along with the "talismanic practice" of repeated incessant

incorporations by reference clauses - was abolished in rule and law (n.8), the respondents strict construction requisite was not appropriate. The arguments and circumstances in the exhibit were "Facts", which need not have been repeated for another claims reference (Reno,55 Cal 4th 428,463-64(2012)[Its "facts", not the "claims" or "the facts under the claims independently"]).

As such, the following claims were disregarded, by mistake, placing them up for consideration as initially pled:

A) The court lacked jurisdiction to impose a criminal conviction for statements made in the course of litigation, where that litigation remains pending and has not been deemed fraudulent or vexacious, or to circumvent the requisite finality for claim of malicious prosecution.

B) 1st Amendment Immunity broadly applied to the claim under family court jurisdiction, where no direct, unequivicol evidence of wrongful criminal acts or intent existed - such cannot be inferred.

C) Child Testimony was irrelevant and allowing it was unduly prejudicial - an abuse of discretion.

D) Perjury issues - insufficeint evidence

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n.8 - "A Talismanic Practice" (70 Hastings L.J. 989,990(2019))

C. Unresponsiveness in Claims Justifies Merit

Respondent failed to address the impossibility and unreal nature of victim testimony, or the testimony impeaching the process server Mendiola. Respondent also failed to make a real qualifying response to the claims of "spillover" in "other act" evidence. Making spurious and irrelevant citations to alternate procedures, as if counsel wasn't sure what the limitations of Cal Ev. § 1101 material or what "spillover" is.

The following claims should therefore be deemed admitted as to 'reasonable merit', respondent failing to justify content otherwise:

A) Precluding petitioner from stating, quoting the family code, in direct or cross of witnesses, and in area of argument was highly prejudicial and without purpose other than to prevent the jury fro from realizing fatherhood isn't blood by law - a litigant "Must be able to speak the law" the preclusion was structural error requiring reversal (Baldwin,42 Cal 2d 858,859(1954))

B) The amendment 12/10/21 of the information was not transactionally related to the notice given for trial. The court allowing such amendment was reversible error (Graff,170 Cal App 4th 345,350 (2009);12 Witkin Cal Crim L., § 239)

C) Spoilation of child testimony and personal use of the criminal system to aid a favored party in civil litigation. Santana appearing in fam, approaching children, telling them to fear, filing a FALSE report in fam court to secure specific outcome has prosecutor participate, appearance on record in civil action, arrests the petitioner and is impeached on the stand... (Heldenburg,219 Cal App 3d 468,475(1990);22B Ca Jur 3d § 768

III

NEW EVIDENCE AND FACTUAL INNOCENCE

Petitioner is not guilty of committing a single crime. To use distorted opinion, such being opinion of an already relative and personal opinion - to claim criminal acts and obstruct civil and family proceedings cannot even remotely be justified.

Petitioner requested judicial notices (HCP @ A3*) to cite the actual points, that if all cited on one piece of paper would force reversal. So while the respondent IS correct that a court will not necessarily appropriately use judicial notice to "declare the actual innocence of a party" - such declarations would necessarily result in the party being held innocent. Why? because to hold the petitioner in prison, the courts are simply ignoring certain legal principals and the prosecutors are tailoring and falsifying facts to "sweep er under the rug".

Petitioner has more faith in this courts intelligence and integrity. Take notice of the laws and principles that govern the petitioners actions (including his lawful conduct in attempting to resolve the matter of service properly, new service, seek court instruction...), of the processors over 90 days of declaration as to signature, that no direct evidence of filing exists and that no evidence prior arrest resolved the matter of biology.

Stop Lying. Let the petitioner go.

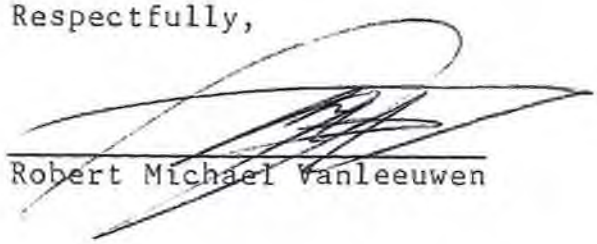
-- Let him speak to his child.

IV

CONCLUSION

Petitioner requests CUMULATIVE CONSIDERATION of the matters, and for orders to be issued. The justification is well past an order for cause - It's time to issue a complete and utter reversal of this sham conviction.

Respectfully,



Robert Michael Vanleeuwen

IN THE CALIFORNIA COURT OF APPEAL

FOURTH APPELLATE DISTRICT

In RE: the matter of:

- Robert "Tafoya", No. E084312

☒ On Habeas Corpus.

EXHIBITS IN SUPPORT OF THE INSTANT PETITION FOR RELIEF

Exhibit File 1 of 1

Filed By:

Robert Michael Vanleeuwen

P.O. Box 1050 (A2/TAFOYA/BS8619)

Soledad, CA - 93960

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E084312

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EXHIBIT

EXHIBIT: 1

NOTICE

I, petitioner, could not procure a conformed copy of filed pleading by deadline. With respect, please allow reference to record for incorp.

EXHIBIT

EXHIBIT: 2

DECLARATION OF SHELLY INTONG

The court should be aware that as of 9/4/2024 I have been made aware of another 3 additional witnesses, 2 being previously requested by defendant and before trial. They are as follows:

1. **Mariana Rodarte**, was one of the bridesmaids. Was with Robert, Elisseth and the kids in the Polk Apartment helping to plan the wedding and the reception in Crestline, California and the date for the wedding which was 5/22/2016. Contact via 3rd party and awaiting direct response it is unclear if she was physically witness to the proposal, but from what I've been told, the testimony is relevant. I have located possible social media for her and waiting for a reply.

2. **Douglas Bernal** was aware of Elisseth's relationship with Robert, Robert's love / commitment to her and both their kids. Still waiting contact on Facebook, is likely a family member of Elisseth, I'm not sure of relations right now.

3. I've been contacted by someone who I am trying to get confirmation on and who says that the crossing guard who testified at trial was requested to testify differently then what the reports and his original testimony by the prosecutor and detective. The prosecutor was apparently involved even though she tried saying the original testimony was blacked out by her assistant. Also, it shows that Robert subpoenaed a sheriff deputy to testify and on the day and time, the prosecutor requested a more favorable deputy to testify instead of the one Robert subpoenaed and only because one would have testified positively.

I will continue to submit information as I get it. Including the result of public records requests on whether a fourth child or current marriage for Elisseth even exist.

Per the laws in the state of California, I declare under the penalty of perjury that the statement is true and correct.

Shelly Intong / Berge

Shelly Intong

(951) 484-5566

EXHIBIT

EXHIBIT: 3

INV J. GARCIA CN 019-1301 CEDED COPY

On October 17th, 2019, Vanleeuwen willingly met with riverside county district attorney investigator Santana about Ex-fiancé Ramirez and her continued dentals of his lawful visitations with his daughter Marjorie. Vanleeuwen indicated he attended the scheduled interview with paperwork and evidence to support violation of restraint by Ramirez (DVHE1903610 listing Vanleeuwen as protected), harassment against him and process servers, dentals of leading him to seek further aid and protection in good faith.

On March 3rd, 2020, Vanleeuwen contacted me requesting I review the resulting reports from that interview submitted by Santana. Vanleeuwen seemed most concerned over the narrative of his interview which he claimed was dishonest. Vanleeuwen provided access to the reports. I then contacted [redacted] for access to any investigative recordings.

During review I was surprised to find that Santana did in fact misrepresent points in a very clear effort to frame Vanleeuwen as a liar. In the recorded interview I listened as Vanleeuwen indicated he and Ramirez had been in a relationship since the end of his time in Highschool. Vanleeuwen clearly indicated that Ramirez did not attend the same Highschool. When Santana posed the question, Vanleeuwen indicated Ramirez went to "NORTH".

I recognized this as the short name of a school in the area. I found that Vanleeuwen gave a very clear description of the situation and events surrounding his relationship with Ramirez. Santana seemed aware of the pleadings submitted by Vanleeuwen which provided further detail of the evidence in his favor, and in the district attorney's possession. Vanleeuwen stated his relationship with Ramirez had ended in 2016 after she was lied to and told that he cheated. When Santana apparently noticed Vanleeuwen still wore a wedding band, Vanleeuwen mentioned that it was primarily for his daughter Marjorie, explaining that as a child she didn't understand relationship issues and that she deserved to see and know he was still faithful to his promise.

In narrative, Santana falsely stated Vanleeuwen said he and Ramirez "had begun their romantic relationship in 2007-2008 while they were both in their senior year of Highschool". Santana was quick to mention that Ramirez graduated a year prior and from a different school, making it seem like he had caught Vanleeuwen in a lie. Santana continued to say Vanleeuwen had claimed his relationship with Ramirez had ended because of allegations of domestic violence. Santana did not mention a single statement made by Vanleeuwen in reference to his daughter Marjorie. Santana did not mention or list any of the pleadings or evidence provided to him by Vanleeuwen at the interview or in his office's possession. The fact this was a narrative presented to support probable cause and the fact his intent was so blatant [redacted]

ATTACHED TO CASE FILE FLHE – 19036190.

At point, its clear Santana intended to misrepresent the facts, conducting what appears a malicious investigation ignoring evidence of past, current and potentially ongoing criminal-acts. I noted Santana reports working with Vaughan before ever meeting Vanleeuwen. (The riverside police investigator responsible for all current and past action against Vanleeuwen). I concluded Santana was aware of the conflict and that he had access to information regarding the unhealthy obsession and conduct presented by Vaughan. In March, 2019 after a riverside police officer [redacted] came forward about a fabricated violation created by Vaughan (Alleged) Vanleeuwen sought federal protection SI9CV04890204. Santana refers to this filling directly. I attempted to contact officer [redacted] but did not receive a response. Considering Santana misrepresents the matter using the same claims made by Vaughan in past allegations. It is likely Santana conspired directly with Vaughan to further personal interests.

SUB103/20 MOD 05/20

On January 10th, 2020 Vanleeuwen was taken into custody by both Santana and Vaughan while attending family mediation for his daughter Marjorie. He was booked on alleged forgery, which investigators claim was considered [redacted] kidnapping even though no violation of any court-order was committed. These allegations garnered a default no-contact order against Marjorie. I concluded that under the notion contact secured paternal-right the added charge was likely intended to use the system default process to sever that connection. Vanleeuwen claims verbal abuse on arrest and being threatened with life in prison if he did not give up his daughter. I did not contact the witness who supported that claim. (See attached).

The alleged forgery resulted from a October 2019 interview with Mendiola, the processor who initially served the family summons. I noted she attempted service of additional documents and was threatened by Ramirez with false arrest by Vaughan for her attempt that day, months before the interview when both Santana and Vaughan appear at her home. (Copies of messages attached). At her home, reports indicate Mendiola continued to declare service until Vaughan mentioned arrest. Further review located a February 2019 interview Mendiola had with a licensed investigator where she talks about Vanleeuwens long term relationship with Ramirez and describes him as a loving father. She also says she is witness to some of Vaughan's conduct, labels him a credible threat and provides images of questionable comments and even a death threat on Vanleeuwen from an individual she names in conjunction with Vaughan. Considering the events, it is unlikely the allegations brought have any true merit.

Its obvious Forgery is an attempt to invalidate service, though it appears Ramirez was served with the summons multiple times before the allegations and her actions reflect considerable knowledge of the case. It should be noted that Mendiola never actually stated she was a witness to Forgery, only that the signature on the form wasn't hers after Vaughan

mentioned arrest. I was unable to locate Mendiola for comment. It is believed her claim was changed in fear.

I finally noted that Vanleeuwen had numerous judgements pending in other matters. It seemed off that investigators would wait until January to initiate arrest on material from October, especially since they claim Vanleeuwen is such a threat. However, since Vaughan enhances his bail to such an absurd amount preventing release, it might indicate Vaughan intended to impede January judgements that would continue labeling him an accomplice to crime. Many questions remain and it is unknown the extent of Vaughan's infatuation with Ramirez but evidence suggests a relation.

To note - It appears Vanleeuwen meets the legal definition of fatherhood. Vanleeuwen has not violated any court order or committed any action that would place another in fear. However, both Vaughan and Ramirez seem to. As a citizen Vanleeuwen has a right to claim any child for any reason. It is my opinion the legitimacy of all allegations against Vanleeuwen, past and present, should be questioned.

I concluded investigation action and referred Vanleeuwen to seek counsel from the county conflict panel.

END SUB N1

UPDATED 05/20

EXHIBIT

4

EXHIBIT:_____

Attatchment 2c – Orders in 'Best Interest' of Children

Robert Michael Vanleeuwen,

PETITIONER CASE: [redacted]

Elisseth Barerra Ramirez,

RESPONDENT

I, **Robert Michael Vanleeuwen** – Am the **Petitioner** in the above entitled action and the father of the listed child – **Marjorie Ramirez** – Seeking [redacted] visitation, along with Joint Legal Custody be awarded, [redacted]. Not only do I make the request with the love and heartfelt earnestness one would expect from a father, but I do so in the best interests of our daughters' future and emotional well-being. The following points ([redacted]) describe why orders to secure joint legal custody should be considered in the best interest of **Marjorie**.

p1. I had provided **Marjorie** with a stable home environment and a consistent structure for the past five years of her life and continued to be a part of her development since the day she was born – A mainstay in her life up until the biological mother and I impetuously separated in early May of 2016. **Marjorie** has always carried a positive and respectful report, finding comfort in the sense of safety and predictability the stable home my presence provided. She and her sibling thrived in my care – most significantly in early childhood development, where they excelled in English and mathematics with my attentive tutoring and well-rounded fatherly guidance. To **Marjorie**, I

have always been, and tried to be, the best friend in her life - and according to her, I remain the only male figure in her biological mothers life that can "even spell my name right" (quoting her) - Though the breakup has taken its toll, and **Marjorie** is still too-young to understand the intricacies of a romantic relationship or the separation I and her biological mother have gone through - I know she will always be my baby-girl and know me ("Poop" my nickname - "PoopMeister" hers)- as her genuine and sincere father. I love her with all my heart and soul.

P2. Education has always been one of my top priorities for Marjorie - especially considering the **Respondents** limited ability to involve her in our children's formal development. Being a Salvadoran national (as claimed) - with a very primitive understanding and use of the English language, as well as her menial comprehension of the most basic studies - I have become very concerned over the mothers capabilities in providing a constructive atmosphere in our, what is now - broken family. Marjorie, in particular - has a very restless spirit and, at times - suffers from attentiveness issues. During her 4th-Grade year, faculty at her school had recommended a diagnosis of ADHD which I vehemently denied. Instead, I - alone as father - Altered my work-schedule and spent additional hours with Marjorie conjuring up new and exciting ways to study the Core-Curriculum, making even a trip to Starbucks or even McDonalds, a math or history lesson in disguise. Though my attempts to explain structural engineering concepts while seeing who could go higher on the swing-set were deemed "PoopTalk" after I let her win - It was clear my love and efforts made a significant difference when her grades rose and praise from her teachers became a common occurrence. It was always my intention to enroll **Marjorie** in aspiring studies and a private-school that was better-suited to handle every child's behavioural characteristics, but the 2016 separation - just two weeks before what would have been I and the biological-mothers practically eight-year (8) anniversary - ultimately hindered registration and has since pushed me out of the decision making process… And despite the Vanleeuwen family's continued willingness to pay the $2,000.00 USD monthly tuition - The biological mother continues to deny placement of **Marjorie**. Instead, the mother continues to take what I perceive as a shattered approach to education, signing the kids up for whatever program possible - as long

as it fulfills a single goal … keeping them away from home for longer-periods because they are "a handful". Because of the **Respondents** actions of domestic violence against me and the abuse I and **Marjorie** have both endured - I have faced incredible difficulty maintaining my relationship with our child, unless demands made on me for money, for example - are met - I have been unable at times to see or speak with **Marjorie** on a regular basis unless our daughter calls me from a friends phone or messages me online. Something that court-orders have already began to change.

P3. I come from a very affluent family, capable of guaranteeing **Marjorie** a future full of opportunity and success. My Grandfather Joseph Johannes Vanleeuwen migrated to the United States after the liberation of the Netherlands from the German forces in the Second World-War. He met my Grandmother Helena, a nurse in the dutch underground - where both aided in saving countless Dutch and Jewish lives during the occupation. They migrated through Ellis Island, bringing with them seven children (My parent included) - Those names still dot the registry and can be found with little effort. All of the children, including my parent - would continue to fulfill much of the same roles of self-sacrifice here in the United States - Becoming not only doctors, nurses, paramedics and engineers in Aerospace / Defense - but contributing members of society, and individuals with high-educational standards, goals and aspirations. At one point, **Marjorie** saw this as a family-history to be proud of, and in my care - it provides her a sense of belonging that her biological mother has never achieved. Orders will allow our family to not only remind **Marjorie** more-often that she belongs to a stable family that she can trust has her future in mind, but allow us to help make decisions that will ensure her success and positive development.

P4. I myself have lived a blessed and stable life. I have made a solid middle income since the age of nineteen years (19) - Excelling in information technology, software development and engineering - I have minored in business logistics and consulted with amazing results around the globe. Though I have faced considerable hardship the last few years due to the delusional behaviour exhibited by the Biological-Mother, including - as evidence clearly shows - criminal threat against me and **Marjorie** to effectuate demands for monetary provision. (See DV Pleading 08.29.2019) - The Vanleeuwen family has continued to come to my aid, providing a clean and prosperous home with virtually no expense or concern. As the literal boss in most of my employment history, my work schedule remains open with lengthy breaks and only limited contractual obligations to tend to. This means that while employed, Marjorie will continue to have my attention - and with orders made, I will be able to actually tend to her educational, medical, physical and emotional needs; rather than just being on the other end of a text-message. While separated from any of my employment obligations, I continue to dedicate my life to, not just local but Global outreach - where I use my knowledge and skills to help form and operate a number of Non-Profit-Organizations, including the Kenya based "Give back hope Foundation" in Nairobi. These are activities **Marjorie** will be encouraged to participate in - allowing her to experience world-wide travel, native encounters and limitless opportunity while saving lives - a source of pride unmatched by any other figure in her life.

It has always been my goal to provide **Marjorie** a home where every want and need is furnished and no promise is ever broken. After so many years caring for **Marjorie**, I cannot imagine my life without her.

We have always gotten along marvelously and as before the 2016 separation of me and her biological-mother - the orders would allow for us to spend more quality time together in our already constructive relationship; to go on field excursions, trips to the zoo, and fun days at the theme parks or even expeditions to the museums which she once enjoyed. **Marjorie** even owns a horse of her own, which among many activities is currently being deprived of that relationship and the ability to ride along-side the Vanleeuwen family animals.

Not to mention the family itself - her aunts and uncles, Patricia Vanleeuwen - a pre-natal intensive care nurse, Erin Vanleeuwen, a life-flight paramedic and Jason Vanleeuwen an ER nurse who would love nothing more than to be around and help **Marjorie** in her Development more often- providing experiences and knowledge beneficial to her upbringing.

Pursuant 28 USC 1746 & through the laws of the State of California - I Declare under penalty of perjury, the foregoing is true & correct.

Robert Michael Vanleeuwen

7756 California Ave #205 - Riverside CA 92504

→ _____.

EXHIBIT

EXHIBIT: 5

Neuropsychological and Risk Assessment Report [redacted]

VANLEEUWEN ROBERT MICHAEL
Case Number: RIF2000128
Date: 06/06/2022

Kimberly Smith, Psy.D.
Forensic Neuropsychologist
10250 Constellation Boulevard Suite 100
Los Angeles, CA 90067
(323) 708-1904
(424) 274-2166

Pursuant to a Court order signed by the Honorable Mark Singerton, dated 04/08//2022, I was appointed pursuant to Evidence Code Sections 730 and 952 to conduct a neuropsychological assessment.

Informed Consent

This report contains sensitive information subject to misinterpretation by persons without specialized training in psychological assessment. Written consent from Mr. Vanleeuwen or his conservator is required for the release of any information enclosed. Nonconsensual disclosure is limited under Section 5328, California Welfare, and Institutions Code. Mr. Vanleeuwen was provided with an explanation of the purpose of testing and a description of the testing procedures, as well as the limits to confidentiality. He was informed of the examiner's role as a forensic neuropsychologist. Mr. Vanleeuwen was informed that it was his decision to proceed with testing and that participation could aid in providing himself and the Court a better understanding of his cognitive functioning. He was informed that the assessment report would become part of his legal record, and that his participation was voluntary. Mr. Vanleeuwen verbally expressed understanding of the above information and proceeded to participate in the evaluation.

Identifying Information (Defendant)

Last Name: Vanleeuwen	First Name: Robert
Case Number: RIF2000128	Assessment Number: 1100

Risk Assessment	Rating
Mr. Vanleeuwen's risk of violence	Low
Mr. Vanleeuwen's risk of dangerousness to others	Low
Mr. Vanleeuwen's risk of danger to others and clinical management of such risk	Low
Mr. Vanleeuwen's risk of recidivism	Low

Risk Assessment

In my professional opinion **Mr. Vanleeuwen is considered a low risk for dangerousness** and I do not believe he is imminently dangerous to others. I further opine that Mr. Vanleeuwen would not pose an unreasonable risk of danger to public safety. Mr. Vanleeuwen bears no indication of recidivist tendencies to commit crime or offenses that pose a risk of harm to the public. He is not presently psychotic, manic, experiencing depression or anxiety, and is able to manage his behavior. I do not believe he is imminently dangerous to commit a super strike.

Mr. Vanleeuwen was also assessed for dangerousness through three (3) objective measures, the Hare Psychopathy Checklist, Revised, 3rd Edition (Hare PCL-R), The Historical, Clinical, and Risk Management- 20, Version 3 (HCR 20), and Violence Risk Appraisal Guide (VRAG).

The PCL-R is considered the gold standard for the evaluation of psychopathology or sociopathy. Psychopathology was evaluated in terms of interpersonal, behavioral, and affective dysfunctioning and antisocial behavior. **Test results of the PCL-R indicated no evidence of psychopathology**. Mr. Vanleeuwen appears capable of learning from his mistakes.

He was also administered The Historical, Clinical, and Risk Management – 20 (HCR 20 Version 3). Structured professional judgement (SPJ) measures are a tradition of risk assessment tools that integrate empirically supported risk factors with clinical judgement to generate a final risk judgement for the potential of recidivism outcomes such as violence. **Mr. Vanleeuwen is rated a LOW risk for recidivism and violence.**

Mr. Vanleeuwen does not have a history of violence (H1). He does not have antisocial behavior (H2), or risk factors related to relationships (H3), employment (H4), substance use (H5), major mental disorder (H6), personality disorder (H7), traumatic experiences (H8), violent attitudes (H9), difficulties with treatment or supervision response (H10) or other considerations (OC-H). Moreover, Mr. Vanleeuwen does not have clinical risk factors related to violence such as insight (C1), violent ideation (C2), symptoms of major mental disorder (C3), instability (C4), treatment or supervision response (C5), or other considerations (OC-C).

There are no risk management risk factors related to violence such as professional services and plans needed (R1), living situation (R2), personal support (R3), treatment or supervision response (R4), stress or coping (R5), or other considerations (OC-R).

Mr. Vanleeuwen was also administered the Violence Risk Appraisal Guide-Revised (VRAG-R). The VRAG-R is an actuarial instrument to evaluate risk for violence in the community. **The results of the VRAG-R indicated Mr. Vanleeuwen presents with low risk of violence.**

In my professional opinion Mr. Vanleeuwen does not have the incentive, means, and inclination to flee.

As it pertains to family contentions, Mr. Vanleeuwen asserted he filed a petition to determine/recognize a paternal relationship. In my professional opinion, there is no reason to question his sincerity. He believed at the time of filing the family actions he was Marjorie's biological father and he is clearly able to convey, and continues to hold his belief in an appropriate and reasonable manner. Mr. Vanleeuwen's beliefs appear sincere. With regards to his past relationship with the mother and child, he is capable of recalling intimate memories and intimate knowledge which a stranger limited acquaintance would not know, signifying long-term relations.

CLINICAL SUMMARY

Mr. Vanleeuwen is a 32-year-old gentleman who has intact intellectual and neuropsychological functioning. Additionally, Mr. Vanleeuwen does not have a psychiatric history or ever been hospitalized for psychiatric purposes. He is able to comprehend, appropriately assess situations, think abstractly, and draw logical conclusions. It should also be noted, Mr. Vanleeuwen's risk assessment for violence in the

institutional setting and community are LOW. Moreover, Mr. Vanleeuwen reveals no tendency or intent to commit crime or offenses that pose a threat to public safety. Mr. Vanleeuwen was assessed using the Hare Psychopathy Checklist (Hare PCL-R), The Historical, Clinical and Risk Management – 20 (Version 3), and the Violence Risk Appraisal Guide-Revised (VRAG-R). On each risk assessment administered Mr. Vanleeuwen was placed at a LOW risk for violence. Mr. Vanleeuwen does not have a mental disorder nor does he abuse substances. Mr. Vanleeuwen exhibits traits well suited for roles in leadership, including his position as a father.

Clinical Referral

Mr. Vanleeuwen referred himself for neuropsychological testing so he and the Court could better understand his cognitive and intellectual functioning, as well as dangerousness to others (DTO).

Instruments Used and Dates Administered

This examiner follows the assessment standard (9) listed in the current American Psychological Association Ethical Principles of Psychologists and Code of Conduct.

Assessment Instrument	Date Administered
Weschler Abbreviated Scale of Intelligence-2 (WASI-2)	05/03/2022
Wide Range Achievement Test- 5th edition (WRAT 5) Green Form	05/03/2022
Repeatable Battery for the Assessment of Neuropsychology- A (RBANS-A)	05/03/2022
Violence Risk Appraisal Guide-Revised (VRAG-R)	05/03/2022
Hare Psychopathy Checklist (Hare PCL-R)	05/03/2022
The Historical, Clinical and Risk Management – 20 (HCR 20 Version 3)	05/03/2022
Rey 15 Item + Recall	05/03/2022
Test of Memory Malingering 1 and 2 (TOMM)	05/03/2022
RBANS Effort Index	05/03/2022
Dot Counting Test (DCT)	05/03/2022

Documents Reviewed

Assessment Instrument	Date Administered
Investigative Reports, Court Pleadings, and Court Records	02/26/2019
Criminal History and Background	--
Probation Department Sentencing Recommendation	--
UP TO PARENTS – Parenting Classes and Certificate of Completion	09/02/2019
Social Media History and Public Interactions	--
Various Letters of Support from Riverside City Council including Mike Gardner; Community Leaders including Rusty Bailey; Various affidavits from community supporters and friends	Multiple Dates

Pertinent Background Information

The history presented in the evaluation is limited to aspects relevant to Mr. Vanleeuwen's Neuropsychological and intellectual functioning, as well as his psychological risk for dangerousness. This information has been garnered from two (2) clinical interviews with Mr. Vanleeuwen available records. Mr. Vanleeuwen was forthcoming during the interview and a good historian. Additionally, Mr.

Neuropsychological and Risk Assessment Report

VANLEEUWEN ROBERT MICHAEL

Case Number: RIF2000128

Date: 06/06/2022

Vanleeuwen appeared to genuinely attempt to recall personal historical events asked during the clinical interview.

Pertinent Background History

Mr. Vanleeuwen reported he met all developmental milestones within the expected timeframes. He was raised in a household with his siblings, mother and father. Mr. Vanleeuwen reported he did not experience physical, psychological, or sexual trauma as a child or during adulthood. Regarding social history, Mr. Vanleeuwen single, never married, and the father of one (1) minor daughter. In terms of education, Mr. Vanleeuwen reported he graduated high school and has obtain trainings to enrich his skills. He did not report a history of learning disability or special education services in school. In terms of career, Mr. Vanleeuwen reported he has worked various jobs in the information technology industry. Regarding adaptive living history, there were no negative experiences or record of any dispositive issues. Regarding substance abuse history, Mr. Vanleeuwen reported he drinks alcohol socially, on rare occasions. Mr. Vanleeuwen reported he has never been addicted to illegal substances, prescription medication, or received inpatient or outpatient substance abuse treatment. Mr. Vanleeuwen also reported he does not have a mental health history and has never been psychiatrically hospitalized. Mr. Vanleeuwen reported he does not currently under the care of a physician for any medical condition. Mr. Vanleeuwen did not endorse past or present suicidal thoughts, plans, or intent (behaviors). Further, he did not endorse a past or present engagement in self-injurious behavior. Finally, Mr. Vanleeuwen did not endorse past or present homicidal ideation, plan, or intent (behaviors).

Does not show any signs of addiction or abuse. Nor was there any signs such as dissasociation or degradation of charaer ususally asosicated with such issues.

Behavioral Observations

Mr. Robert Vanleeuwen presented as left-handed male of average height and weight, who appeared his stated age of 31 years (DOB: 07/24/1990). Mr. Vanleeuwen's grooming and hygiene appeared within average limits. He wore clean clothing and was clean shaven. Mr. Vanleeuwen reported he was forthcoming and shared information asked by this examiner. The testing room was quiet and distraction free.

Mr. Vanleeuwen did not evidence involuntary movements, facial asymmetry, psychomotor agitation, or slowness. He was able to ambulate independently without any assistive devices such as a walker, crutches or cane. Mr. Vanleeuwen's conversational speech was within average limits and he engaged in appropriate conversation with this examiner. Mr. Vanleeuwen stayed on tasks during interview and testing. Mr. Vanleeuwen reported he was "feeling fine" and his mood appeared euthymic. He did not demonstrate difficulty following multi-step commands that were provided. Mr. Vanleeuwen did not report he was experiencing physical pain. Overall, Mr. Vanleeuwen reported he was "feeling fine" and appeared to put forth his best effort in testing. Mr. Vanleeuwen's strengths include perseverance during the testing process and empathy for what others may experience.

Test Results

In an effort to determine the validity of Mr. Vanleeuwen's test findings four (4) performance validity tests (PVTs) were administered, three (3) stand-alone and one (1) embedded. Mr. Vanleeuwen's behavioral presentation during the evaluation was also considered within the context of determining performance validity. The findings are presented below.

Objective Data

Mr. Vanleeuwen provided valid performance on all four (4) PVTs administered. He had valid

Combined Raw Score = 30/30). On a separate objective stand-alone PVT, requiring Mr. Vanleeuwen to count grouped and ungrouped dots he also had a valid performance (DCT Raw = 9). Mr. Vanleeuwen also passed the TOMM (TOMM: Trial 1= 50, Trial 2= 50), the most psychometrically robust PVT. Finally, Mr. Vanleeuwen also demonstrated valid performance on an embedded measure of effort derived from the RBANS (RBANS Effort Index: Raw= 0.

Behavioral Data

Mr. Vanleeuwen followed instructions and demonstrated good effort throughout testing. He did not present with any behavioral evidence indicative of feigned or gross exaggeration of cognitive deficits or psychiatric symptoms during the testing sessions. In sum, Mr. Vanleeuwen provided substantial valid performances on PVT measures during the current evaluation. Given Mr. Vanleeuwen's performance on PVT measures, it is this examiner's opinion that the current testing is reflective of Mr. Vanleeuwen's true abilities.

Intellectual Functioning

Mr. Vanleeuwen's performance was intact regarding overall intellectual functioning. Mr. Vanleeuwen's IQ score was estimated within the high average range. His strengths in the area of verbal comprehension was reflective of his ability to understand, use and think with spoken language. It also demonstrates the breadth and depth of knowledge acquired from Mr. Vanleeuwen's environment. Mr. Vanleeuwen's strength in perceptual reasoning reflected his ability to accurately interpret, organize and think with visual information. Mr. Vanleeuwen's nonverbal reasoning skills were intact. Additionally, he is able to think in a fluid manner, which also requires intact visual perceptual abilities.

Neuropsychological Status

Mr. Vanleeuwen was also administered the Repeatable Battery for the Assessment of Neuropsychological Status (RBANS-Updated). Overall, Mr. Vanleeuwen's scores across measures on the RBANS were intact. Specifically, Mr. Vanleeuwen scored within the high average range on measures assessing language, attention, and memory. His performance was within the average range on a measure of visuospatial/constructional.

Mr. Vanleeuwen's high average performance on measures of language indicates he is able to respond verbally to naming and retrieving learned material. Scores from Picture Naming and Semantic Fluency contribute to this index.

Likewise, Mr. Vanleeuwen's high average score on attention indicates he has the capacity to remember and utilize both visually and orally presented information in short-term and long-term memory storage. Scores from Digit Span and Coding contribute to this index.

Mr. Vanleeuwen scored within the high average on measures of immediate and delayed memory. His high average performance in immediate memory indicate he has the ability to remember information immediately after it is presented. Scores from List Learning and Story Memory contribute to this index.

Mr. Vanleeuwen's high average performance in delayed memory indicates his anterograde memory capacity is intact and functioning properly. He was able to correctly identify information that was previously told to him. Scores from List Recall, List Recognition, Story Memory, and Figure Recall contribute to the score in this index.

Mr. Vanleeuwen's average performance on a measure of visuospatial/constructional indicates Mr. Vanleeuwen demonstrated the ability to perceive spatial relations and to construct a spatially accurate copy of a drawing. Scores from Figure Copy and Line Orientation contribute this score.

The conclusions reached in this report are based upon the information available to the examiner at the time of the evaluation. The interpretation and diagnostic conclusions are subject to change should additional details concerning Mr. Vanleeuwen's history be revealed. If additional information comes to light that contradicts the current information, I reserve the right to alter my opinion accordingly.

Kimberly Smith,
Forensic Neuropsychologist

06/06/2022
Date Signed

EXHIBIT

EXHIBIT: 6

THE SCREENSHOTS ABOVE ARE INSTAGRAM MESSAGES FROM DECEMBER 2019 BEETWEEN I, ROBERT MICHAEL VANLEEUWEN AND MARJORIE RAMIREZ-VANLEEUWEN- RESPECTIVELY. THESE MESSAGES PRESENT THE SECOND CONVERSATION IN TWO MONTHS WHERE MARJORIE INDICATES A NAMELESS MAN HAS SPOKEN TO HER IN AN ATTEMPT TO, IT SEEMS, AID MY EX-FIANCÉ (HER MOTHER) IN SEVERING MY RELATIONSHIP WITH OUR DAUGHTER DISHONESTLY. THE PROXIMITY OF THE FIRST OCCURRENCE, SPECIFICALLY, TO THE TIME AND DATE REPORTED AS THE APPARENT INTERVIEW SANTANA HAD WITH MARJORIE IS THE MOST CONCERNING - INFERRING HE MAY BE INVOLVING HIMSELF INAPPROPRIATELY AND AIDING IN THE ALIENATION OF CHILDREN.

THOUGH ATTEMPTS TO SEVER PATERNAL-RELATIONS HAVE NOTABLY FAILED, IT HAS BEEN A ONGOING ISSUE SINCE 2017. MARJORIE HAS BEEN TOLD THAT SPEAKING TO ME WOULD RESULT IN PUNISHMENT - HER AND HER OLDER SISTER HAVE ONCE BEEN INSTRUCTED TO SAY NEGATIVE THINGS ABOUT ME AND TOLD COUNTLESS-TIMES THAT I WAS A "BAD MAN" WHO "HURT PEOPLE". I HAVE ALWAYS TOLD MARJORIE TO DO WHAT MOM SAYS, NOT TO WORRY, THAT ID BE FINE - THOUGH I ADMIT THIS WORRIES ME; ENOUGH WITNESSES AND EVIDENCE OF MY INSTRUCTION TO SAY WHAT THEY ARE TOLD TO IN PUBLIC-PLACES EXIST TO COUNTER ANY FORCED-STATEMENTS.

EXHIBIT

EXHIBIT: 7

– ATTACHMENT SOCIAL POSTS –

December 4, 2019

Learn More

November 29, 2019

Learn More

Robert Vanleeuwen
October 23, 2019 · Riverside, CA ·

Despite the early morning heatwave, we all managed to get out and celebrate one of our communities latest housing projects. A big thank you to Councilman Mike Soubirous for coming out! it was awesome to see the Chamber, Magnolia District & Contractors come together. **Senator Richard Roth**, your wife knows how to represent! Many blessings to all who attended. #ILoveRiverside #RiversidePride - **Greater Riverside Chambers of Commerce**

November 28, 2019 attending **Merrill Avenue Brownstones Ground Breaking Ceremony** at **Greater Riverside Chambers of Commerce**.

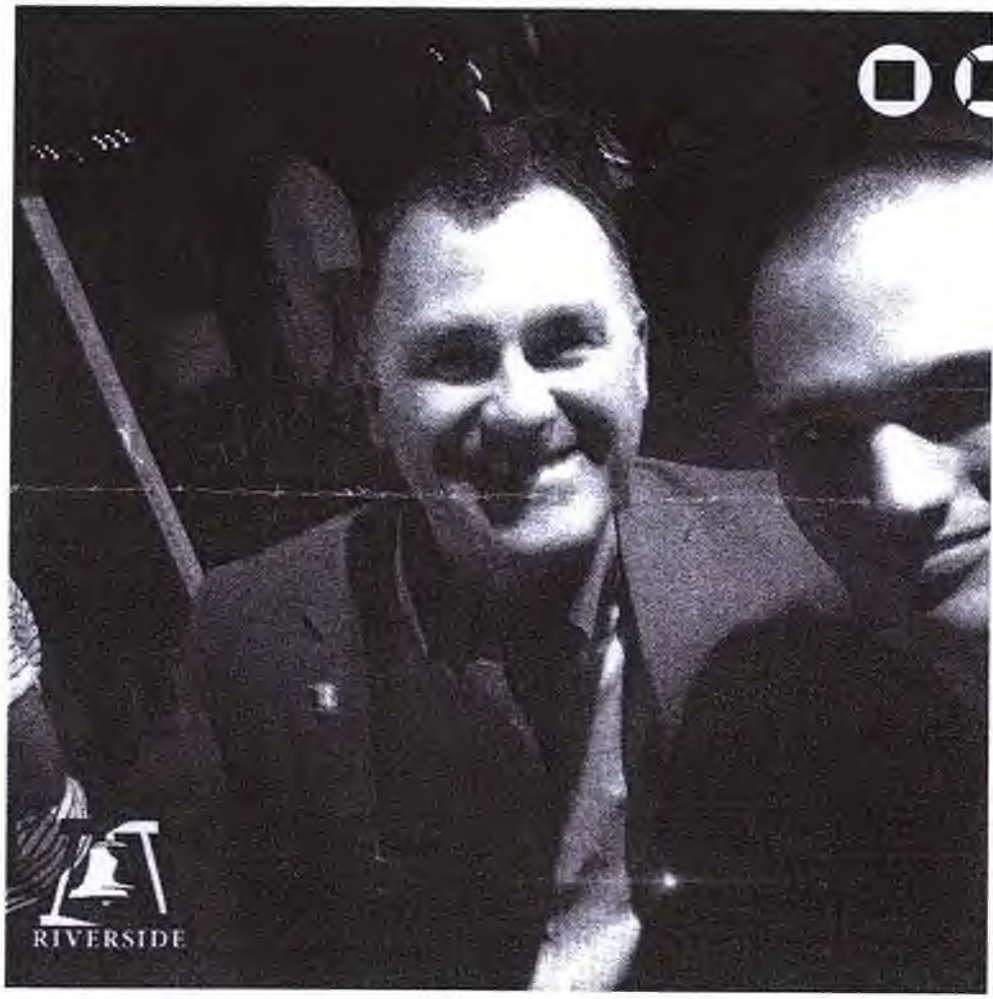
You, Helen Desens and 4 others

Write a comment...

December 4, 2019

Learn More

November 29, 2019



Learn More

Robert Vanleeuwen
October 10, 2019 · Riverside, CA ·

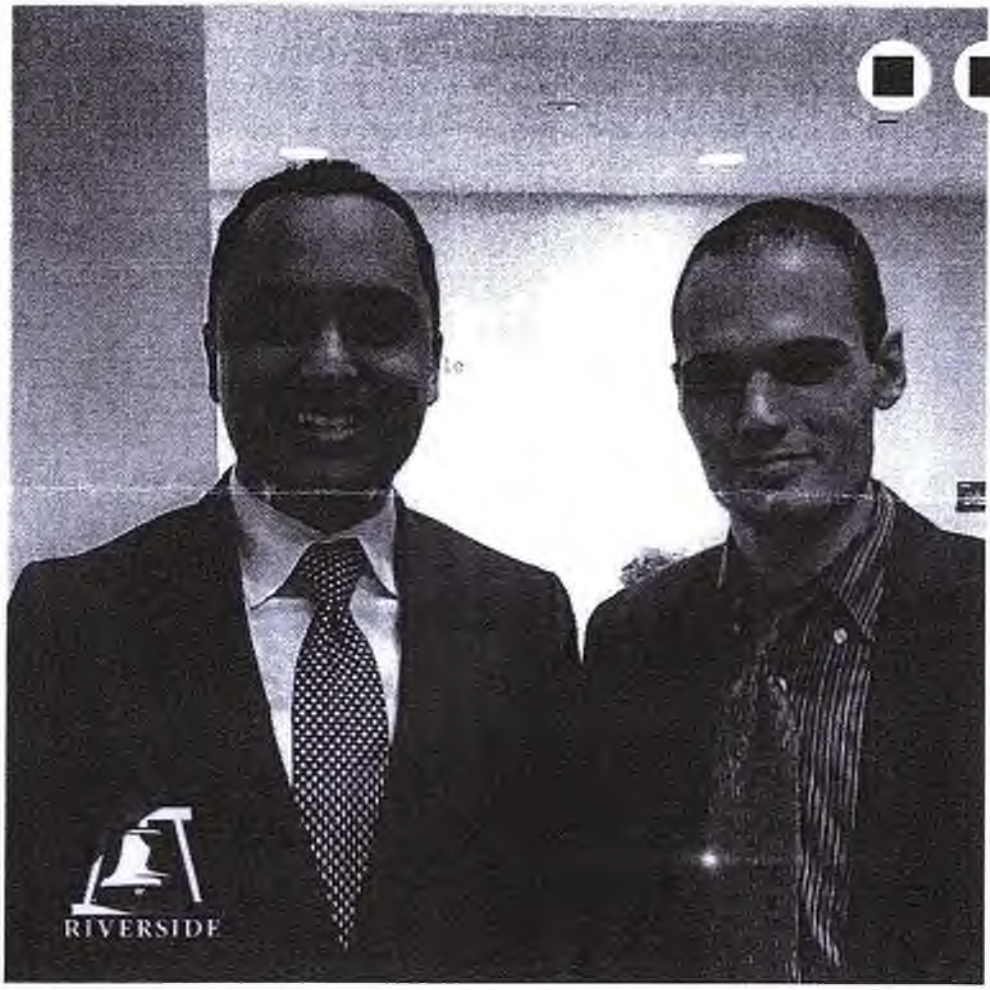
Figured a selfie with mayor Rusty Bailey was in order. I stood for him, his values and his willingness to say no, when others wouldn't. Cant believe it'll be his last year here in **Riverside, California**. **#RiversideWalks** — at **The Long Night of Arts & Innovation**.

Helen Desens, Denise Renfrow and 15 others

November 28, 2019

Write a comment...

December 4, 2019



Learn More

November 29, 2019

Learn More **Robert Vanleeuwen**
October 29, 2019 · Riverside, CA ·

It was awesome to meet and celebrate the appointment of **Dr. Angelov Farooq** for Chairman of Californias **Workforce Development**. I think I'm speaking for most of the Inland Empire when I say it's an honor to have a local resident chair the board. I can already see his dedication to our state. Many blessings!

— attending **Reception for Dr. Angelov Farooq** at **UCR ARTS**.

November 28, 2019
You and 5 others 1

Angelov Farooq
Thank you for the support

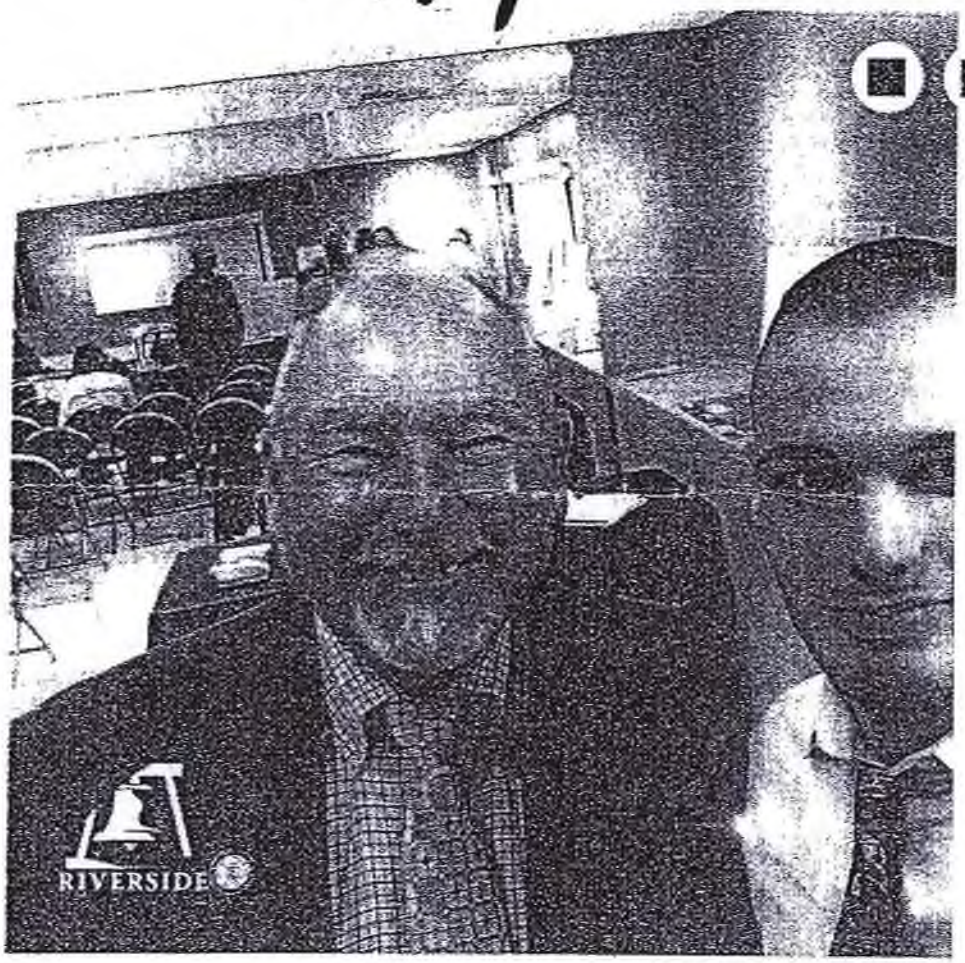
Like **Reply** 3y

Write a comment...

8 mx 2 5/12

A14

December 4, 2019



Learn More

November 29, 2019

Learn More Robert Vanleeuwen
October 17, 2019 · Riverside, CA ·

Visited the Ward 1 forum at the Ruth B. Lewis Community Center tonight and supported one of my favourite council members in Riverside, California. Hes been watching over this city for over a decade! We're all behind you Mike Gardner!

— with Mike Gardner at Ruth B. Lewis Community Center.

November 28, 2019
You, Helen Desens, Denise Renfrow and 7 others 4

Mike Gardner
Good to see you Robert. I think the difference in knowledge and experience was pretty apparent.
Like Reply 3y

Robert Vanleeuwen
In my humble opinion it was a "this is what I want to see and maybe we can look into it" vs "this is what's happening and how it works, so let's be realistic" sorta deal

Write a comment...

2:12 AIS LTE

Robert Vanleeuwen

100% 9:40 AM

PHILIPPINE NAVY
Feb 13 at 12:15am ·

NAVY QUOTE OF THE WEEK: "The true character of a man is not seen through his choices, but the passion in his heart." - Robert Vanleeuwen

#supportyourPhilippineNavy
#strongandcrediblePhilippineNavy

1 comment

Add Friend Message

Home Watch Marketplace Profile Notifications Menu

EXHIBIT

8

EXHIBIT:_____

← Search

Robert Vanleeuwen
Jun 17, 2019 ·

Missing all these days is painful, even a graduation. But I'll know I'll always be in my girls' life. Love you ❤ anyone seen pets 2 yet? I can't wait! Haha. Blessed Father's Day everyone. Remember the reason. I know mine.

7

Like Comment Share

Robert Vanleeuwen is feeling awful.

Nov 13, 2019 ·

My daughter messages me at 10 and i totally missed it whoops. love you sweetheart one thing i pray for is that miracle where our family is brought back together. Through God, anything's possible.

6

4 Comments

looks like I'll be fine by monday with the help of some pain meds. How convenient right? If I missed your call or haven't responded... Patience is a virtue.

19 22 Comments

Like Comment Share

Robert Vanleeuwen
Nov 16, 2019 ·

A little PSA - No blood of any child will deny your involvement in raising them. If they're your kids, and you love them... Fight. Family ain't blood, blood ain't family. You will win. @ Fathers Justice

14 2 Comments

Like Comment Share

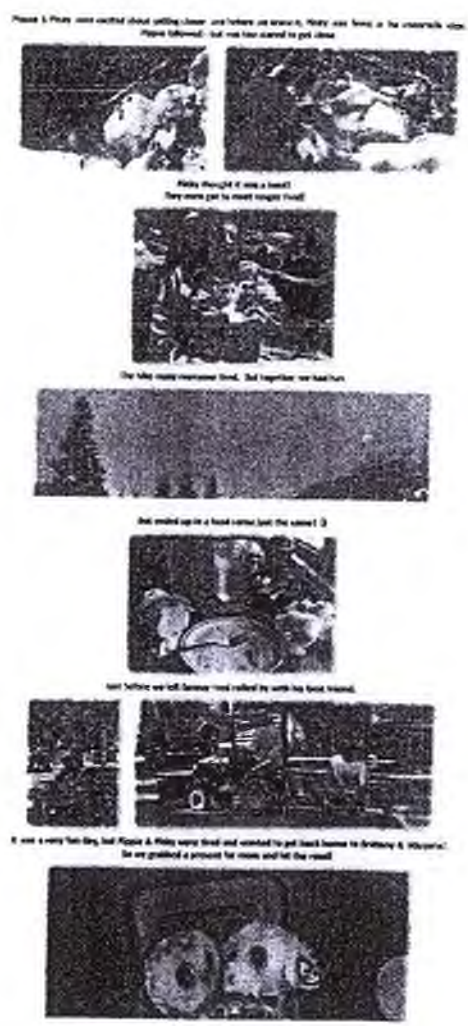
Robert Vanleeuwen is feeling awful.
Nov 13, 2019 ·

My daughter messages me at 10 and i totally missed it whoops. love you sweetheart one thing i pray for is that miracle where our family is brought back together. Through God,

Search

Robert Vanleeuwen
Dec 13, 2019 ·

Ever done anything super special for your youngest daughters? I always made sure to spend quality time creating adventures for our girls. Like this story, of their brand new beanie babies visiting Forest Falls, California - Circa 13. Marjorie & Britt were still single digits :cry: - #OldHarddriveFinds



5

PEOPLES #75
5/10

← Search

[redacted]

13 7 Comments

Like Comment Share

Robert Vanleeuwen
Jan 2, 2020 ·

#FamilyMatters #MiNinas

This content isn't available right now
When this happens, it's usually because the owner only shared it with a small group of people, changed who can see it or it's been deleted.

20 1 Comment

Like Comment Share

Robert Vanleeuwen
Jan 1, 2020 ·

Happy New year's everyone!!! 2020. 😎☀️☀️☀️☀️🤙 #HappyNewYear

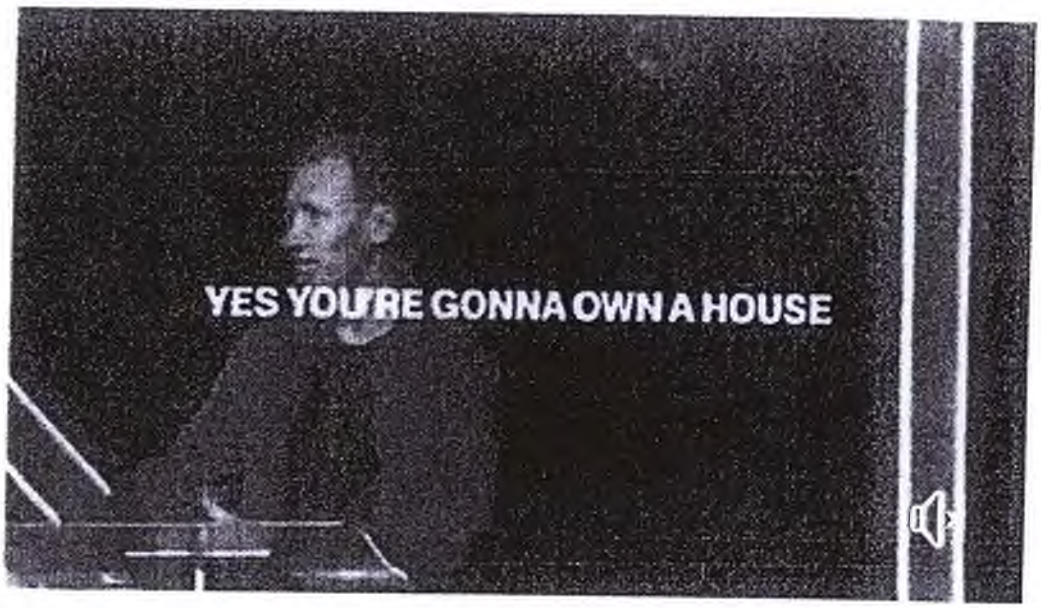
PEOPLES #73
6/10

Robert Vanleeuwen
Dec 13, 2019 ·

When I turned to god - That was when I found hope. It was the moment I was given an answer, a reminder. It was even the moment my daughter finally responded. 🖤

ONE&ALL Church
Nov 18, 2019 ·

What will you choose?



6 791 Views

Like Comment Share

Robert Vanleeuwen

Like Comment Share

Robert Vanleeuwen
Dec 13, 2019 ·

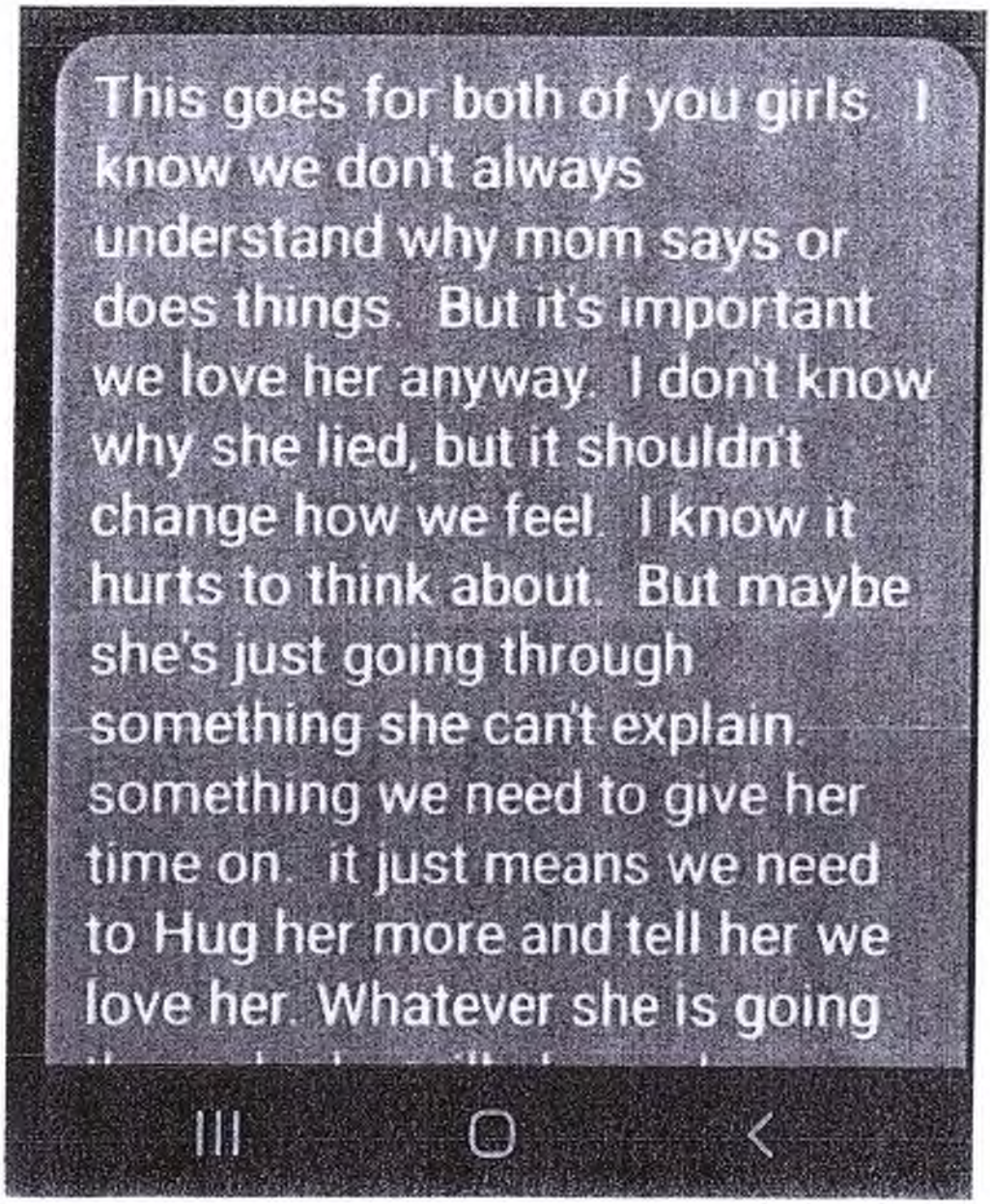
boop. ^.^ i still have em all, don't worry

5

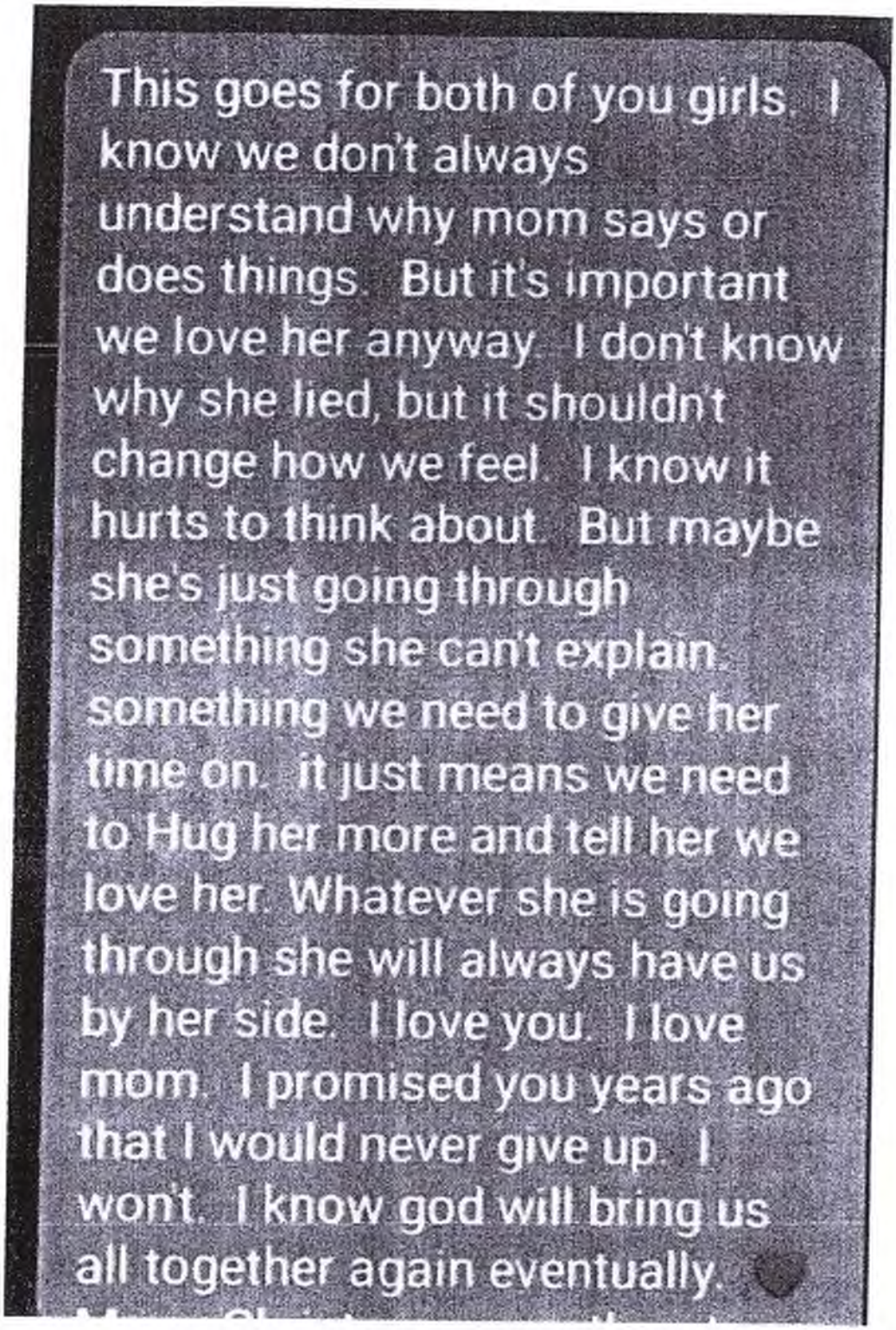
Like Comment Share

Robert Vanleeuwen
Dec 24, 2019 ·

I think I said it right? How to respond to your daughter asking why mom would tell a lie 😢. Sadly, I probably wont hear back again 'till after christmas - what with my second weekend visitation fight, and our, often times, incognito talks through others... (they've been punished for speaking to me pfft). At the end ... See More



PEOPLES # 7
9/15



8 1 Comment

Like Comment Share

PEOPLES # 75
10 / 10

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

ADMITTED INTO EVIDENCE
DATE: 12-9-21
EXHIBIT NO. 75
CEO/CLERK BY: A. Villalpando
DEPUTY
Form # E4308
Revised 5-14-15

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
FOR IDENTIFICATION ONLY
CASE NO: RIF 2000128
DATE: 12-9-21
EXHIBIT NO.: 75
☒ Plaintiff/Petitioner ☐ Court ☐ Defendant/Respondent
CEO/CLERK BY: A Villalpando, DEPUTY
Form # E4307
Revised 7-1-15

EXHIBIT

EXHIBIT: 9

Attention: Robert Tafoya (In Pro Per)

Client: Robert Michael Tafoya
DOB: 07/24/1990
Address: Larry D. Smith Correctional Facility
Phone: -

PRIVILEGED AND CONFIDENTIAL

This is a confidential communication. This report and all the information contained herein, has been completed at the direction and the supervision of legal counsel. It is to be considered as being of a confidential and privileged nature and subject to the attorney/client and work product privileges.

Witness: Jazmine Mendiola
DOB: 07/24/1995
Address: 8942 San Vicente Avenue, Riverside, CA 92503
Phone: (951) 384-9743

CASE ASSIGNMENT

On December 11, 2018, Najar Investigations was appointed to assist Pro Per Robert Tafoya in defense of his case.

INVESTIGATION

On February 26, 2019, about 1800 hours, I conducted a telephonic interview with Jazmine Mendiola. I advised Mendiola I was a private investigator working on behalf of Robert Tafoya. Mendiola stated she understood and consented to speak with me. The following is a summary of her statement:

Mendiola told me she is a close friend of Tafoya. She has known him for approximately 5 to 6 years and considers him like family. Mendiola has met Elisseth Ramirez but has never carried a close relationship with her. Mendiola has never spent more than 5 minutes in a conversation with her. Mendiola stated Tafoya and Ramirez have been in a long-term relationship. Mendiola said Tafoya gave an engagement ring to Ramirez. Mendiola stated as long as she has known Tafoya he has been in a relationship with Ramirez.

A8

Mendiola believes Tafoya and Ramirez have a child in common due, to they were in a relationship prior to Ramirez being pregnant, during the pregnancy and after. Mendiola said Ramirez has other children who are not the biological children of Tafoya. Mendiola stated although the other children do not belong to Tafoya, he cared for them as if he was their father. Tafoya has provided for the children and has always had good intentions for them. Tafoya was always very involved with the children. Tafoya loves the children genuinely. He cared for them, bought them presents and also school supplies. Tafoya was very involved in their education. Mendiola said Tafoya would never put the children in any type of danger.

Mendiola told me Tafoya cares for Ramirez immensely. Tafoya would never put Ramirez in any type of danger. Mendiola said Tafoya has always been honest, truthful and faithful to Ramirez. Mendiola has never known Tafoya to commit infidelity against Ramirez. Mendiola believes the relationship between Tafoya and Ramirez ended because of outside influences. Mendiola believes Ramirez was fed lies about Tafoya by either one to three subjects or possibly all three subjects. Mendiola believes the same subjects are controlling the whole situation and were also responsible for influencing Ramirez to obtain a restraining order against Tafoya. Mendiola was asked if Ramirez stated in her restraining order only knowing Tafoya a month was true and she said it was false. Mendiola again stated since the time she has known Tafoya, she has known him to be in a relationship with Ramirez. Mendiola said she has known Tafoya to be with Ramirez prior to being pregnant, during the pregnancy and after of one of children. Mendiola believes due to this timeframe Tafoya and Ramirez were together they are both the biological parents of the child. Mendiola believes Tafoya loves Ramirez so much he would never hurt her physically or emotionally. Mendiola stated from knowing the type of person Tafoya she believes is it would be a lie if anyone stated Tafoya was capable of hurting Ramirez.

I asked Mendiola if she knew of or ever heard of Christian Vaughn, Oscar Soto and Jose Pina in relation to Tafoya and Ramirez. Mendiola stated she has heard of all three. She advised me she had screenshots of text messages and comments from the subjects commenting about or texting to Tafoya. Mendiola provided me with a copy of some and advised she needed to look for some of the other comments and/or messages. The ones that were provided to me will be attached to this report. Mendiola believes Soto and Pina have threatened Tafoya in some of the comments/messages. Mendiola has never had personal contact with any of the subjects but based on what she has seen and learned from the situation believes the threats are credible. In one of the messages provided Mendiola stated money was demanded from Tafoya. Mendiola stated if Ramirez made demands for money from Tafoya, she was made to do so by one or possibly all three of the subjects. Mendiola believes the presence of a restraining order would help in threatening Tafoya to give money.

Mendiola has kept a close friendship with Tafoya. They have constantly kept in contact and they visit with each other often if possible. Mendiola believes Tafoya was living out of state in December of 2017. She believes Tafoya possibly came back in February of 2018 because that was around the time he was arrested. Mendiola believes possibly to the best of her knowledge Tafoya was out of state from August of 2017 to February of 2018. She believes he did not visit California because due to their close friendship, Tafoya would have visited her also. Mendiola has no reason to believe Tafoya was in California or more specifically Riverside, California because he would have stopped by to see her. During this time, they would keep in contact via phone.

Could in 2017 Vandalism Not Possible.

Mendiola reiterated Tafoya is a good person. He is very compassionate and always eager to help others. Tafoya has done volunteer work with government and private entities to help. He has also helped by contributing to people in other countries in need. He enjoys helping others. Mendiola said Tafoya is an honest person and is not capable of criminal behavior. She referred to him as being 'really soft' when asked if he is capable of committing improprieties. I asked Mendiola if Detective Vaughn could or would have stated Tafoya was a liar, delusional and/or incompetent. Mendiola stated Vaughn is capable and believes there is social media depicting VAUGH stating those comments. She advised me she would have to do research to relocate the statements. Mendiola believes Detective Vaughn is acting in this manner because he has an infatuation with Ramirez.

EXHIBIT

EXHIBIT: 10

Attention:

A9

Client: Tafoya, Robert
DOB:
Address: 1627 S. Hargrave St, Banning, Ca 92220
Phone: N/A

PRIVILEGED AND CONFIDENTIAL

This is a confidential communication. This report and all the information contained herein, has been completed at the direction and the supervision of legal counsel. It is to be considered as being of a confidential and privileged nature and subject to the attorney/client and work product privileges.

Witness: Terry Beith; 9/6/1949
Physical Address: 226 Greenwood Ave, Crawford, Co 81415
Mailing Address: P.O. Box 495, Crawford, Co 81415
Phone: (970)921-5690

CASE ASSIGNMENT

Najar Investigations was appointed by the County of Riverside to assist Robert Tafoya with investigations related to his case.

INVESTIGATION

On Sunday, 1/27/2019 at 1827 hours, I called to speak with Terry Beith. I identified myself as a private investigator assigned to conduct follow-up investigation regarding criminal charges against Robert Tafoya. Terry agreed to speak with me, and at my request, he consented to me recording the conversation. The following is a summary of his statements:

Interview with Terry Beith

Terry stated he is a retired veteran from the U.S. Military with an honorable discharge. Terry knows Tafoya as his step-son and last saw him in the beginning of March of 2018 – which is when Tafoya left for California. He has known Tafoya since he was 9 years old. Tafoya had come to stay with Terry and his wife in Colorado from August of 2017 through March of 2018. During that time, Tafoya never left town – he did not take any vacations. While staying with them, Tafoya worked for Don's Directory doing web design from September through December of 2018. Terry explained that Don's Directory is a phone directory for people in the oil industry.

While living with them, Tafoya did not own a car and there was no public transportation nearby – they live in the mountains. The only way Tafoya got around was by Terry and his wife giving him a ride. On August 31 of 2017, Tafoya was with Terry and his wife – he had come up around the 17th of August. Tafoya left Colorado in the beginning of March of 2018. From the time he arrived

in Colorado in August of 2017 until he left in March of 2018, Tafoya never left Colorado. The way he was able to get to Colorado was Terry and his wife purchased a bus ticket for him. When he left in March, he left by bus from Montrose Colorado – Terry gave Tafoya a ride to the bus station. In October of 2017, December of 2017, and February of 2018 Tafoya was in Colorado – between August of 2017 and March of 2018, Tafoya never left Colorado.

When asked about Elisseth Ramirez, Terry stated he had never met her, but he knows of her as an old girlfriend of Tafoya's who was in Riverside. Tafoya did not tell Terry a whole lot about Ramirez but mentioned that she had 3 children and several boyfriends. Terry said Tafoya genuinely cares about Ramirez and at one time Tafoya asked Ramirez to marry him and she had accepted. He believes that happened around late 2016 or early 2017 – Tafoya had told terry and his wife about it over the phone and shortly after that, Ramirez broke off the engagement.

Terry does not believe Tafoya would ever want to hurt Ramirez. He has never known Tafoya to be a violent person or hurt anyone. When asked about Ramirez obtaining a restraining order against Tafoya, terry said he was familiar with it. He doesn't remember exactly when it was but believes it was around early 2017 – but he is not sure. I asked how long Tafoya and Ramirez had been together at the time she obtained a restraining order against him. Terry said he doesn't know but stated Tafoya has like Ramirez since high school – they were just friends in high school because Ramirez had a boyfriend. I told Terry that when Ramirez obtained a restraining order against Tafoya that she stated she had only known Tafoya for about a month. Terry said that is not true because he had asked her to marry him a few months before she obtained the restraining order – Tafoya had talked about Ramirez around 2005 and 2006 and he believes they were in ROTC together in high school. If Ramirez said she had only known Tafoya for about a month when she obtained the restraining order, that would be a lie – she knew him a lot longer than that, she has known Tafoya for years. Terry does not know what Ramirez would gain from lying but suspects she may believe that would help her to obtain a restraining order.

I asked if he is aware of Ramirez ever hurting or threatening Tafoya and Terry stated Tafoya never told him that she did – other than breaking his heart. Terry heard from Tafoya that Ramirez asked him for money and he believes Tafoya was sending Ramirez money while he was living with them in Colorado. Terry does not have any personal knowledge of Ramirez making demands for money or attempting to extort money from Tafoya. When asked if he believes the presence of a restraining order would help Ramirez extort Tafoya for money, Terry said he has no idea.

When asked about Ramirez contacting family members under an assumed identity or fake names, Terry said Tafoya told him about it. But he is aware that Tafoya's Aunt "Jan" in Chicago received a message from an unknown person claiming that Tafoya is a stalker. When asked if he knows why Ramirez might contact Tafoya's family members under a fake name, Terry said he doesn't know – apparently Ramirez didn't want anyone to know it was her. Terry stated, "They just wanted to blacken his name with the family, I guess." Terry doesn't know if it was Ramirez who sent the messages to family members or her boyfriend. I asked if he believed the messaged were sent for purposes of harassment and Terry said he can't think of any other reason they would contact Tafoya's Aunt. They sent a message to Tafoya's brother too – Eric Cook. Terry has not seen any of these messages.

When asked about Christian Vaughn, Terry said he knows him as a detective from Riverside Police Department. Detective Vaughn contacted Terry around the end of March in 2018 right after Tafoya was arrested. Detective Vaughn had called to talk to Terry and was telling him that Tafoya did not know Ramirez and that they were never in a relationship. I asked if he had ever heard of Detective Vaughn before and Terry said it was a long time ago when his son had contact with Detective Vaughn. Terry said his son has spent time in jail for drug related charges – Terry was told by his son that he did not have much regard for Detective Vaughn, that Vaughn would do anything to get what he wanted and didn't believe Detective Vaughn was very reputable. After Tafoya's arrest, Detective Vaughn contacted terry's son and asked if Tafoya had any personal belongings there. Terry's son told Detective Vaughn that Tafoya had a computer there and Detective Vaughn asked to take it so he could give it to Tafoya. However, Terry's son refused, citing the fact that Detective Vaughn did not have a warrant.

No one from Riverside Police Department has ever contacted terry about Tafoya, prior to Detective Vaughn. I asked if Detective Vaughn made any statements to terry which might make him suspect misconduct. Terry responded that Detective Vaughn told him he had been talking with Tafoya who will say anything in the world, then Detective Vaughn stated, "I'm gonna get him." Those were his exact words and when asked what he thinks Vaughn meant by that, Terry replied that Vaughn was referencing this case with Ramirez – Tafoya is being accused of slicing Ramirez' tires and other conduct in Riverside while Tafoya was actually in Colorado. Vaughn just stated he was going to get Tafoya and put him in jail. I asked if he believes Detective Vaughn cared if Tafoya was actually innocent and Terry said no, he didn't. Based on his conversation with him, Terry believes Detective Vaughn was out to get Tafoya. Detective Vaughn wasn't seeking the truth, he had already apparently made up his mind about Tafoya and was just out to get him. Detective Vaughn told Terry that Ramirez was just friends with Tafoya and nothing else. I asked if Detective Vaughn expressed any personal feelings regarding this investigation. Terry said Vaughn was obviously out to get him which seemed pretty personal. Terry does not know what Vaughn has against Tafoya but he is obviously biased to one side based on his demeanor and the things he was saying. Detective Vaughn's goal was to put Tafoya in jail for years, he was not trying to find the truth – he already had his mind made up based on Ramirez' statements.

Terry described Tafoya as being an independent person ever since he was a teenager. He is a happy-go-lucky kid who was overall good and not mean-spirited. I asked how Tafoya has reacted in the past over break-ups and Terry said he never witnessed any of them, that Tafoya hasn't had that many girlfriends. When they lived in St. George Utah, Tafoya worked up there and had a girlfriend, but it wasn't very serious. Terry said Ramirez has 3 children.
Tafoya is compassionate and thinks highly of Ramirez' children. He loves them and has bought them toys – Tafoya talks to them and they call him on the phone because he knew Ramirez long enough to get to know her children.

[redacted] Terry does not believe Tafoya is capable of any real criminal behavior and he is not a threat to anyone – he's never heard Tafoya threaten anyone.

EXHIBIT

EXHIBIT: 11

See Tandem Request For Judicial Notice

MO from 8/27/20 Hearing shows Prosecutor Presence

EXHIBIT

EXHIBIT: 12

CR-120

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: \	FOR COURT USE ONLY
NAME: ROBERT MICHAEL VANLEEUWEN (TAFOYA)	
FIRM NAME: \	
STREET ADDRESS: 30755-B AUld Rd #[illegible]	
CITY: MURRIETA STATE: CA ZIP CODE: 92563	
TELEPHONE NO: (951)-491-5546 FAX NO: \	
E-MAIL ADDRESS: ROBERT48757@GMAIL.COM	
ATTORNEY FOR (name): PRO-SE	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
PEOPLE OF THE STATE OF CALIFORNIA vs. Defendant: ROBERT MICHAEL VANLEEUWEN (TAFOYA) Date of birth: 7/24/90 Cal. Dept. of Corrections and Rehabilitation No. (if any): \	
NOTICE OF APPEAL—FELONY (DEFENDANT) (Pen. Code, §§ 1237, 1237.5, 1538.5(m); Cal. Rules of Court, rule 8.304)	CASE NUMBER: RIF2000138

RECEIVED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
JUL 27 2022

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
JUL 27 2022
B. Gomez Campos

TL

2022 R

NOTICE

- **You must file this form in the SUPERIOR COURT WITHIN 60 DAYS after the court rendered the judgment or made the order you are appealing.**
- **IMPORTANT:** If your appeal challenges the validity of a guilty plea, a no-contest plea, or an admission of a probation violation you must also complete the Request for Certificate of Probable Cause on page 2 of this form. (Pen. Code, § 1237.5.)

1. Defendant appeals from a judgment rendered or an order made by the superior court.
   NAME of defendant: ROBERT MICHAEL VANLEEUWEN (TAFOYA)
   DATE of the order or judgment: 7/21/22 (SENTENCE); 12/13/21 (VERDICT)

2. **Complete either item a. or item b. Do not complete both.**
   a. *If this appeal is after entry of a plea of guilty or no contest or an admission of a probation violation, check all that apply:*
      (1) ☐ This appeal is based on the sentence or other matters occurring after the plea that do not affect the validity of the plea. (Cal. Rules of Court, rule 8.304(b).)
      (2) ☐ This appeal is based on the denial of a motion to suppress evidence under Penal Code section 1538.5.
      (3) ☐ This appeal challenges the validity of the plea or admission. *(You must complete the Request for Certificate of Probable Cause on page 2 of this form and submit it to the court for its signature.)*
      (4) ☐ Other basis for this appeal *(you must complete the Request for Certificate of Probable Cause on page 2 of this form and submit it to the court for its signature) (specify):*

   b. *For all other appeals, check one:*
      (1) ☒ This appeal is after a jury or court trial. (Pen. Code, § 1237(a).)
      (2) ☐ This appeal is after a contested violation of probation. (Pen. Code, § 1237(b).)
      (3) ☐ Other *(specify)*:

3. ☒ Defendant requests that the court appoint an attorney for this appeal. Defendant ☐ was ☒ was not represented by an appointed attorney in the superior court.

4. Defendant's mailing address is: ☒ same as in attorney box above.
   ☐ as follows: * SEE ATTACHED FOR ADDITIONAL

Date: 7/21/22

ROBERT MICHAEL VANLEEUWEN
(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT OR ATTORNEY)

Form Approved for Optional Use
Judicial Council of California
CR-120 [Rev. January 1, 2017]

NOTICE OF APPEAL—FELONY (DEFENDANT)
(Criminal)

Penal Code, §§ 1237, 1538.5(m)
Cal. Rules of Court, rule 8.304
www.courts.ca.gov

CR-120

PEOPLE OF THE STATE OF CALIFORNIA vs. Defendant: ROBERT MICHAEL VANLEEUWEN (TAFOYA)	CASE NUMBER: RIF2000128

REQUEST FOR CERTIFICATE OF PROBABLE CAUSE

I request a certificate of probable cause. The reasonable constitutional, jurisdictional, or other grounds going to the legality of the guilty plea, no-contest plea, or probation violation admission proceeding are *(specify)*:

TIMELY APPEAL AS A MATTER OF RIGHT, NO CERT. NEEDED

ATTACHED 6 PAGES - SPECIAL ATTENTION TO APPELLATE COUNSEL

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

ROBERT MICHAEL VANLEEUWEN
(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF DEFENDANT OR ATTORNEY)

COURT ORDER

This Request for Certificate of Probable Cause is *(check one)*: ☐ granted ☐ denied.

Date:

_____
JUDGE

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

SPECIAL ATTN/CC ADI ATTORNEY

ATTATCHMENT TO NOTICE

OF APPEAL

RIF2000128

A

APPELLANT INFORMATION (CASE ARGUED IN PRO PER)

ROBERT MICHAEL VANLEEUWEN (TAFOYA)

HOME ADDRESS: 226 N. GREENWOOD AVE B-495 PHONE: 970.921.5690 (LAN)

CRAWFORD, CO 81415

SOCIAL MEDIA: WWW.FACEBOOK.COM/RVANLEEUWEN2

WWW.INSTAGRAM.COM/RVANLEEUWEN96757

LEGAL AID/RUNNER/CONTACT: SHELLY BERGE

951.434.5566 (TXT PREF.)

B

THIS APPEAL CENTRES AROUND THE DEFENDANTS EXERCISE OF THE PROTECTED FIRST AMENDMENT RIGHTS TO PETITION, FREE SPEECH AND ASSOCIATION.

* WARNING *

INTEGRITY OF THE WRITTEN AND ORAL RECORD IN THIS CRIMINAL ACTION IS IN QUESTION - PLEASE REVIEW DISTRICT CASE E079345 BEFORE CONTINUING. THIS INCLUDES ALTERED DOCUMENTS THAT MAY EFFECT OBJECTIONS AND ULTIMATELY REVIEW. IF, FOR EXAMPLE, ANY PARTICULAR OBJECTION IS NOT SEEN - IT MAY HAVE BEEN MADE, AND IT MAY BE PROVEN THAT IT WAS INTENDED, MADE OR DISCUSSED.

C

' SUMMARY

APPELLANT WAS ARRESTED OVER AN ALLEGED SERVICE ISSUE IN CIVIL LITIGATION. IT WAS INFERRED A FRAUDULENT SERVICE FORM WAS FORGED AND FILED TO OBTAIN A DEFAULT AND A TEMPORARY VISITATION ORDER. (I.E. PERJURY, FORGERY, KIDNAPPING). PROSECUTION CLAIMED FILING A LAWSUIT, GENERALLY, IS HARASSMENT VIOLATING RESTRAINT (I.E. STALKING). [DN 1, S].

UNABLE TO PROVE THEIR CASE AT TRIAL, PRESENTING ONLY INFLAMMATORY TESTIMONY OVER PARENTAGE AND A SINGLE PROCESSORS WITHDRAW OF SERVICE, PROSECUTION RESTED ON CLAIM SUIT IN EQUITY AND EVEN ATTEMPTED LEGAL SERVICE WAS HARASSMENT. THE COURT ALLOWED A PREJUDICIAL AMENDMENT WHERE PRIOR SERVICE CHARGES NOW LISTED FAMILY COURT PAPERS AND PLEADINGS. THE JURY WAS THEN INSTRUCTED TO DETERMINE GUILT ON MERE OPINION OF PARENTAGE, THE IRRELEVANT INFLAMMATORY TOPIC.

DESPITE THE COURT LEARNING OF THIS DISTRICTS REVERSAL IN APPELLANTS ORIGINAL FAMILY ACTION (SEE DISTRICT CASE E075791): WHICH, APPEARS TO LEND CREDIBILITY TO CONTENTION A FORUM HIJACK AND PREJUDICIAL AMENDMENT INTENDED - CONVICTION WAS UPHELD AND APPELLANT WAS SENTENCED TO '25' YEARS STATE PRISON. (1st Degree Murder?)

IT IS UNKNOWN WHAT ILLICIT SUBSTANCES MAY HAVE BEEN USED IN THE DETERMINATION OF THIS CRIMINAL PROCEEDING.

I

' PRE-TRIAL ISSUES

THIS CASE SHOULD NEVER HAVE GONE TO TRIAL

- REVIEW DISMISSAL FILED 10/29/2021 [1] HEARD ON 11/01/2021

OTHER PRE-TRIAL ISSUES INCLUDE PREJUDICE / INJURY INFLICTED BY NO-BAIL DETENTION AND RESTRAINT. IT SHOULD BE NOTED - PROSECUTOR HAS NEVER FILED A SINGLE RESPONSE TO ANY DEFENSE FILING, NOR MADE ANY SHOWING TO SUPPORT ORDERS MADE *. [DN 2, S].

---

[1] IF RECORD DOES NOT REFLECT, SEE DISTRICT CASE E079345 ATTATCHMENT 'A'. IT IS A COPY OF THE DOCUMENT STAMPED 10/29/2021. (FILED CONSTRUCTIVELY PURA MAIL)

II

TRIAL ISSUES

THERE ARE A SUFFICEINT NUMBER OF TRIAL ISSUES. A MEMORANDUM WAS FILED ON THE TRIAL DETAILS * (SEE 'FIRST SUPPLEMENTAL MEMORANDUM')[2]. THAT SAME MEMORANDUM WAS FILED AS A PETITION IN DISTRICT CASE E0735546 - REVIEW OF THE DISTRICT CASE IS A REVIEW OF THE MEMORANDUM.

A PREJUDICIAL AMENDMENT / VARIANCE IS ARGUED TO STAND FRONT AND CENTRE. THERE ARE ISSUES WITH INSTRUCTIONS, MANDATORY PRESUMPTIONS, USE OF §1101, AND EVIDENCE THAT MUST BE ADDRESSED. THE AMENDMENT, A LACK OF ANY DIRECT EVIDENCE FOR PERJURY AND THE FACT THAT NO 'IIS INSTRUMENT' EXISTS PRECLUDING CONVICTION, ARE THE MOST OPEN TARGETS ON APPEAL. CUMULATIVE TO BE ARGUED ASWELL.

* REVIEW DOCUMENT SUPPORTING §1118 FILED 12/7/2021[3]

AFTER MID TRIAL AMENDMENT, CNT 2 'STALKING' BECAME AN INDEPENDENT ISSUE OVER A SERIES OF FACEBOOK POSTS, NOT MESSAGES, WHICH HAVE ALREADY BEEN HELD BY THE SUPREME COURT TO BE PURE / SUBSTANTIVE SPEECH. NOTICE AND OPPOURTUNITY IS AT ISSUE, BUT SO IS THE FACT THAT NO CRIME WAS EVER COMMITTED. AN EXCUSE FOR STALKING WAS LIKELY SOUGHT TO HOLD RESTRAINT [DN1, 5] BUT ALLEGED VICTIM TESTIFIED NOT HAVING 'FACEBOOK' AND SEEING POSTS REQUIRES STALKING APPELLANT. PROSECUTION NOTABLY RESTED CLAIMING SUIT IN EQUITY AND LEGAL SERVICE WAS HARASSMENT, THE COURT FINALLY ADMITTING THE ISSUE, ALLOWED PROSECUTOR TO GO FIND ANOTHER REASON... FACEBOOK CAME THE NEXT DAY.

THIS CASE IS BULLYING SOMEONE AND PUNISHING THEM FOR EXERCISING PROTECTED RIGHTS ON THE BASIS THAT SOME (THE ONES WITH FAVOURABLE EMPLOYMENT) DONT AGREE WITH THE CLAIMS MADE. AS IF THAT JUSTIFIES OBSTRUCTING ALL PROCEEDINGS AND FORCING THE CASE TO ANOTHER MORE FAVOURABLE JURISDICTION WHERE FAILURE TO PREVAIL ON THE MERITS MEANS DECADES IN A PRISON - SIMPLY FOR A DIFFERENCE OF OPINION. YOU CANT DO THAT, AND TO HOLD CONVICTION, THE COURT WOULD HAVE TO IGNORE OVER '100' YEARS OF JURISPRUDENCE. [DN3, 5]

---

[2] IF RECORD DOES NOT REFLECT, SEE DISTRICT CASE E079345 ATTACHMENT 'A6', OR REVIEW DISTRICT CASE E078546.

[3] RECORD MAY NOT REFLECT COMPLETE DOCUMENT, SEE DISTRICT CASE E079345 AND REVIEW DIFFERENCES BETWEEN ATTACHMENTS 'A4' AND 'A5'.

III

' SENTENCING ISSUES

A WRITTEN OBJECTION SHEET FILED 7/21/22 ITERATING OBJECTIONS WAS FILED

- SENTENCE IMPOSED CRUEL AND UNUSUAL
- SENTENCE DOES NOT ALIGN WITH SB81 LIMITATIONS
- ABUSE OF DISCRETION IN §654 HOLDING
- ABUSE OF DISCRETION IN FAILURE TO STRIKE PRIOR (AVILA , CARMONY)
- ABUSE OF DISCRETION IN DECLARING SENTENCING FACTORS
- ABUSE OF DISCRETION IN FAILURE TO ACQUIT ON 1ST AMENDMENT RIGHTS ('BIRTH RIGHT')
- ABUSE OF DISCRETION IN LIMITING MITIGATION / POST-TRIAL TESTIMONY

- ETC...

SENTENCING OCCURRED 7/21/22 AFTER DENIAL OF A "170" CHALLENGE. APPELLANT WAS DENIED A REQUEST FOR COUNSEL AT SENTENCING 7/12/22. CHALLENGE MADE WHEN JUDGE DECLARED A TRUE THREAT AND RECITED AGGRAVATING FACTOR CLAIMING LITIGATION AS REASON. THOUGH, CLAIMING SUCH IS ADMITTING THE THREAT IS PROBABILITY OF PREVAILING ON MERITS, AND "CRIMINAL SOPHISTICATION" IS PROBABILITY LITIGANT INTERPRETING LAW CORRECTLY, THAT MERIT IN LITIGATION EXISTS. CONVICTION / SENTENCE ON PROTECTED RIGHT IS DUE PROCESS VIOLATION.

- APPELLANT SOUGHT MANDATE ON "170" AND DENIAL OF COUNSEL - DISTRICT CASE UNKNOWN A STAY FOR 7/21/22 WAS REQUESTED. I DO NOT KNOW WHAT HAPPENED.

TRANSCRIPTS FOR 7/11, 7/12, 7/13, 7/21 ARE MOST APPLICABLE TO SENTENCING

IV

' AUTHOURITY

MOST APPLICABLE CASE TO ARGUE INSUFFICIENT EVIDENCE IS'

- [SNEED v SMITH (1982) - 670 F.2d 1368] - PLEASE READ.

PLEASE NOTE. CA-CONSTITUTION A1 §10, A1 § 2, A1 §3 - EVEN A FRIVOLOUS SUIT IS A TORT, NOT PRISON ELIGIBLE. [DN3, p. 5]

REVIEW FILINGS FOR OTHERS.

DOCUMENT NOTES

DN1 - APPELLANT CONTENDS CONFLICTED PARTIES - ABUSING EMPLOYMENT AND PROCESS TO FURTHER PERSONAL INTERESTS - GARNERED A FELONY ARREST WARRANT UNDER FALSE PRETENSE - CLAIMING A WITNESS TO FORGERY EXISTED - OPENLY CONSPIRING TO ARREST AND PURSUE CRIMINAL CHARGES IN RETALIATION FOR THE EXERCISE OF PROTECTED RIGHTS AND TO OBSTRUCT JUSTICE AND FORCIBLY SEVER A PATERNAL RELATIONSHIP THROUGH RESTRAINT.

DN2 - APPELLANT FILED DISTRICT CASE E077508 DESCRIBING VINDICTIVE / SELECTIVE PROSECUTION AND RESTRAINT. ATTEMPTED WRIT ON PRE-TRIAL DETENTION ORDER VIA DISTRICT CASE E077361, 9/9/5 HEARING TRANSCRIPT DECLARING THE ACT OF PETITIONING AS CRIMINAL ATTACHED TO DISTRICT CASE E077508.

DN3 - THIS CRIMINAL ACTION SHOULD BE CONSIDERED A 'COUNTER-SUIT' TO BE STRICKEN UNDER ANTISLAPP. ALL ACTIONS, INCLUDING CLAIM OR ENFORCEMENT OF ORDERS PROTECTED UNDER A LITIGATION PRIVILEDGE AND NO DIRECT EVIDENCE OF PERJURY MEANS THE ISSUE CAN'T BE TOUCHED. [RUSHEEN v COHEN (2006) 37 Cal 4th 1048; S.Ct 123203]

DN4 - MARJORIE LINETTE RAMIREZ, VANESSAWEN IS MY (APPELLANTS) DAUGHTER. I WILL NEVER DENY MY CHILD. I WAS THERE. IF SHE ENDS UP NOT BEING BIOLOGICAL, IT DOESN'T MATTER. I WAS THERE. YOU ARE TO STAND FIRM IN THAT, AS I DO. DENYING THOSE YOU LOVE, ESPECIALLY YOUR CHILDREN FOR SOMETHING AS WORTHLESS AS FREEDOM IS NOT HOW I WAS RAISED. THE LAW IS ON MY SIDE, EVEN IF OPINION ISN'T. ONE SHOULD → DEFEND MY RIGHT TO ARGUE MY OWN BELIEFS AND MY RIGHT TO REBUTTAL.

DN5 - QUESTIONS OF LAW

- DOES A LEGAL ADVERSARIES OPINION ON THE MERITS OF A LEGAL CLAIM, OR OF BEING SUED, JUSTIFY CHARGE AND CONFINEMENT.

- IS IT APPROPRIATE TO ALLOW THE OPINION OF A CRIMINAL JURY TO DECLARE THE RELATIVE MERITS OR LEGAL ARGUMENTS OF A CIVIL-CLAIM FALSE, TO JUSTIFY CRIMINAL PENALTY. IS THIS A NEW FORM OF IMPEDENCE CIRCUMVENTING ANTISLAPP (§425.16) FOR LITIGANTS TO PRACTICE?

- DOES BEING SUED CONSTITUTE A TRUE THREAT OR SUBSTANTIATE FEAR

A POINT TO MAKE

WE CANNOT ALLOW OUR COURT SYSTEM TO BECOME THIS:

RUSSIA

Putin foe Navalny is given 9 more years in Russian prison

MOSCOW ▪ A Russian court on Tuesday convicted top opposition leader Alexei Navalny of fraud and contempt of court, sentencing him to nine more years in prison in a move that was seen as an attempt to keep President Vladimir Putin's biggest foe behind bars for as long as possible.

The new sentence follows a yearlong crackdown by Putin on Navalny's supporters, other opposition activists and independent journalists in which authorities appear eager to stifle all dissent.

Navalny's close associates have faced criminal charges and left the country, and his group's political infrastructure — an anti-corruption foundation and a nationwide network of regional offices — has been destroyed. The 46-year-old Navalny, who in 2020 survived a poisoning with a nerve agent that he blames on the Kremlin, is already serving 2½ years in a penal colony east of Moscow for a parole violation.

— *The Associated Press*

WHETHER ITS SILENCING POLITICAL FOES OR SEPARATING A FATHER FROM HIS CHILD - THERE'S NO DIFFERENCE. SENTENCE HERE PROVES OUR SYSTEM IS JUST AS RUSSIA OR ANY 3RD WORLD COUNTRY - MORE OFTEN A TOOL TO FURTHER THE PERSONAL INTERESTS OF THOSE CONTROLLING IT. SUBJUGATION BY ANY TERM IS SLAVERY.

THIS CASE IS NO DIFFERENT THAN CHARGING ME WITH A HATE CRIME AND SENTENCING ME TO LIFE FOR DONATING MONEY TO, OR "BUYING A BRICK" FOR, BUILDING THE WALL BETWEEN THE U.S. AND MEXICO, BECAUSE MY LEGAL ADVERSARY AND A CRIMINAL JURY HAS THE OPINION IT INFERS IM RACIST.

"WHEN YOU TEAR OUT A MANS TOUNGE, YOU ARE NOT PROVING HIM A LIAR...
YOU ARE ONLY TELLING THE WORLD THAT YOU FEAR WHAT HE MIGHT SAY"

EXHIBIT

EXHIBIT: 13

AVATAR LEGAL

A California Professional Corporation

Cynthia M. Jones, Attorney-at-Law
Jason L. Jones, Attorney-at-Law

3/31

January 26, 2023

Via US Mail
Robert Michael Tafoya (#BS8619)
B3-136
Ironwood State Prison
P.O. Box 2199
Blythe, CA 92226

RE: Your appeal (E079488)

Dear Mr. Tafoya:

I received the letter you sent to me on February 23, 2023. You requested that I send you three items: Exhibit 75, a copy of the transcript of the People's closing argument, and a copy of the sentencing hearing. You stated that a court stated that I would provide these to you and that you had called ADI and that they said copy requests were to be made to me.

I received an email from Art Martin, an attorney at ADI, on February 18, 2023 in which he discussed his call with you. He stated that he confirmed that I only have one copy of the transcripts and that I would need to use them to handle the appeal. He confirmed that you would receive the transcripts from me at the end of the appeal. He did note that I might be able to send you a copy of an exhibit if you asked for it.

In an effort to get you a copy of the transcripts early, I contacted the AG's office to ask them whether they had an electronic copy. Sometimes they do and I was willing to use that during the appeal and send you the physical copy. Unfortunately, they informed me that they did not have an electronic copy for this appeal. I remain unable to send you your transcripts. The transcripts were prepared for the appeal and I'm going to continue to need them for the duration of the appeal.

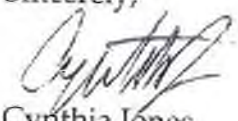
19363 Willamette Drive #194 West Linn, OR 97068
(858) 793-9800 www.avatarlegal.com

Because of the way the transcripts are bound, it is not a simple process to copy portions of the record on request. If you need transcripts for litigation unrelated to the appeal, you will have to request them from the Superior Court. They may require that you pay for their production.

I do not have a copy of the majority of the exhibits. With a handful of exceptions, exhibits are not a part of the normal record on appeal. The Superior Court stores trial exhibits. When I need an exhibit, I have to request a copy of the exhibit from the Superior Court. As I am still in the process of reviewing your record, I have not yet determined which (if any) exhibits I will need to request in your appeal.

By way of update, I filed a request to augment the record on January 26, 2023. I described that request in more detail in my last letter. The court granted this augment on January 27 and provided notice to the court reporter on January 30. At this point, we're waiting for these transcripts to be prepared.

Sincerely,



Cynthia Jones

Enclosures (0): none

AVATAR LEGAL

A California Professional Corporation

Cynthia M. Jones, Attorney-at-Law
Jason L. Jones, Attorney-at-Law

March 14, 2023

Via US Mail
Robert Michael Tafoya (#BS8619)
B3-136
Ironwood State Prison
P.O. Box 2199
Blythe, CA 92226

RE: Your appeal (E079488)

Dear Mr. Tafoya:

I received the undated letter you sent to ADI, rather than directly to me, postmarked March 10, 2023. You again ask for Exhibit 75. As I stated in my last letter, I do not have a copy of that exhibit and cannot give it to you.

I may request a copy of that exhibit in the future if it is as pivotal as you assert, but I do not currently have it in my possession. I cannot give you that which I do not possess. It is also outside the scope of my appointment to act as an assistant in your civil litigation. If assistance is needed in your civil litigation, you should direct any requests for such assistance to the individual representing you in that litigation.

Sincerely,

Cynthia Jones

Enclosures (0): none

19363 Willamette Drive #194 West Linn, OR 97068
(858) 793-9800 www.avatarlegal.com

AVATAR LEGAL

A California Professional Corporation

Cynthia M. Jones, Attorney-at-Law
Jason L. Jones, Attorney-at-Law

April 4, 2023

Via US Mail
Robert Michael Tafoya (#BS8619)
B3-135
Ironwood State Prison
P.O. Box 2199
Blythe, CA 92226

RE: Your appeal (E079488)

Dear Mr. Tafoya:

I received the undated letter you sent to ADI, rather than directly to me, postmarked March 29, 2023. Please make sure you write the date on your letters.

You state that you've received my March 14, 2024 letter. You again ask for Exhibit 75. I explained in my last letter that I don't have it and cannot give it to you. I did, however, need to request a handful of exhibits and have included your request for Exhibit 75 in my exhibit request as a courtesy. I don't know how long it will take for me to receive the requested exhibits but I will send you a copy of 75 when I have it.

Please keep in mind that I'm doing this as a courtesy and will not be able to retrieve and relay documents to you as a general practice. I simply saw an opportunity to help and took advantage of it.

In your letter, you state, "The request previously denied still stands, I have paid for and provided you a complete copy." The underlining is yours. I'm not sure what you're talking about. To the extent that the "request previously denied" refers to the request for Exhibit 75, that's fine. It looks like I'll be able to get it to you eventually.

19363 Willamette Drive #194 West Linn, OR 97068
(858) 793-9800 www.avatarlegal.com

EXHIBIT

14

EXHIBIT:_____

EXHIBIT

EXHIBIT: 15

Court of Appeal, Fourth Appellate District, Division Two
Brandon L. Henson, Clerk/Executive Officer
Electronically FILED on 7/19/2024 by E. Ceballos, Deputy Clerk

COURT OF APPEAL -- STATE OF CALIFORNIA
FOURTH DISTRICT
DIVISION TWO

ORDER

THE PEOPLE,
Plaintiff and Respondent,
v.
ROBERT MICHAEL TAFOYA,
Defendant and Appellant.

E079488 & E081708

(Super.Ct.No. RIF2000128)

The County of Riverside

THE COURT

On July 15, 2024, appellant in pro. per. filed a "Motion for the Appointment of New Counsel on Appeal." That motion is DEEMED by this court to be a petition for writ of habeas corpus, and the clerk of this court is DIRECTED to strike the filing of that motion under appellate court case no. E079488 and refile said motion as a writ of habeas corpus with a new appellate court case number.

RAMIREZ
Presiding Justice

cc: See attached list

Court of Appeal
Fourth Appellate District
Division Two
ELECTRONICALLY FILED

12:29 pm, Jul 19, 2024

By: E. Ceballos

Robert Michael Vanleeuwen #BS8619
P.O. Box 1050 (TAFOYA-A2-132)
Soledad, CA 93960

// Pro-Se Filing RE: Representation
[Barnett(2004)-31 Cal App 4th 466,473]

CALIFORNIA DISTRICT COURT OF APPEAL
FOURTH DISTRICT, DIVISION TWO

In RE: the matter of:
- Robert Michael Vanleeuwen
(Tafoya)

CASE: ~~E079408~~ E084312

APPELLANTS MOTION FOR THE APPOINTMENT OF NEW COUNSEL ON APPEAL; MEMORANDUM AND ATTACHMENTS;

JUDICIAL NOTICE(S) REQUESTED()
PLRA MAILBOXED 5/29/24 .

TO: Clerk; Justice(s) Presiding;
TO: Parties of Interest;

I, Appellant, am requesting new counsel be appointed()

This motion is supported by the prior "Notice of IAC" filed in the instant case, the attached memorandum and any such other detail or material the court may find relevant upon hearing. The court must act to ensure the protection of substantial rights associated with this action, by either (1) appointing new counsel in action, (2) ordering a supplemental brief, (3) allowing a pro-se brief, or (4) construing this filing as a writ-petition.

Respectfully Submitted,

- Robert M. Vanleeuwen

x _____ DATED: 5/28/24 .

COURT OF APPEAL, FOURTH APPELLATE DISTRICT, DIVISION TWO	Court of Appeal Case Number: E084312
KSENIA GRACHEVA, Deputy Attorney General State Bar No. 333659 Office of the Attorney General 600 West Broadway, Suite 1800 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 738-9235 Fax: (619) 645-2012 E-mail: Ksenia.Gracheva@doj.ca.gov Attorney(s) for: Respondent	Trial Court Case Number: RIF2000128
PETITIONER: Robert Tafoya, On Habeas Corpus	
RESPONDENT: The People of the State of California	
APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (CRIMINAL CASE)	

1. I, Ksenia Gracheva, request that the time to file *(check one)*

   ☐ appellant's opening brief (AOB)

   ☒ informal response (IR)

   ☐ combined respondent's brief (RB) and appellant's opening brief (AOB) (see rule 8.216)

   ☐ combined appellant's reply brief (ARB) and respondent's brief (RB) (see rule 8.216)

   ☐ appellant's reply brief (ARB)

   Now due on *(date)*: 08/12/2024 be extended to *(date)*: 09/02/2024

2. I ☐ have ☐ have not received a rule 8.360(c)(5) notice.

3. I have received

   ☒no previous extensions of time to file this brief.

   ☐the following previous extensions:

   (number of extensions): extensions from the court totaling *(total number of days)*:

   Did the court mark any previous extension "no further?" ☐ Yes ☐ No

4. The last brief filed by any party was: ☒ Petition for writ of habeas corpus ☐ RB ☐ RB and AOB ☐ ARB and RB

   Filed on *(date)*: 07/19/2024

5. The record in this case is:

	Volumes (#)	Pages #	Date filed
Clerk's Transcript:			
Reporters Transcript:			
Augmentation/Other:			

6. Defendant was convicted of *(specify)*: One count of stalking with an active restraining order, eight counts of filing false documents, seven counts of perjury, and one count of unlawfully attempting to take custody of a minor.

7. The conviction is based upon a *(check one)*:

   ☒ jury verdict

   ☐ plea of guilty or no contest

ocument received by the CA 4th District Court of Appeal Division 2.

PETITIONER: Robert Tafoya RESPONDENT: The People of the State of California	COURT OF APPEAL, CASE NUMBER E084312

8. The court imposed the following punishment: 25 years 8 months in state prison.

9. The defendant ☐ is ☒ is not on bail pending appeal.

10. The reasons that I need an extension to file this brief are stated

☒ Below

☐ On a separate declaration.

(Please specify; see rule 8.63 for factors used in determining whether to grant extensions)

Appellant filed a "Notice of IAC" requesting new appellate counsel in his direct appeal (Case No. E079488), which this court deemed a habeas petition on July 19, 2024. At that time, I was out of the office to present at a training and did not return until July 25, 2024. Upon my return, I completed and filed the respondent's brief in appellant's related appeal (*People v. Tafoya*, Case No. E081708), as well as the respondent's briefs in *People v. Lamb* (G063640) and *People v. Briceno* (G063559). I also brought to completion five active child abduction cases to which I was assigned.

Appellant raises numerous claims in his petition that will require thorough review of the underlying record in Case No. E079488, which exceeds 3,400 pages. I am currently out of the office on pre-planned leave from August 9, 2024, until August 20, 2024. Upon my return, I am scheduled to appear on a trial matter on August 22, and will be out of the office again on August 23. I must also complete the respondent's briefs in *People v. Ortega* (G063201), *People v. Estrada* (E082768), and *People v. Carrington* (E082613), which were previously assigned. Accordingly, I respectfully request a first extension of time to file the informal letter response in this case.

11. A proof of service of this application on all those entitled to receive a copy of the brief under rule 8.360(d)(1), (2), and (3) is attached (see rule 8.360(d)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 9, 2024

/S/ Ksenia Gracheva
KSENIA GRACHEVA
Deputy Attorney General

ORDER

EXTENSION OF TIME IS:

☐ **Granted** **to *(date)*:** _____.
☐ **DENIED.**

Date: _____.

_____
PRESIDING OR ACTING PRESIDING JUSTICE

ocument received by the CA 4th District Court of Appeal Division 2.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT, DIVISION TWO	Court of Appeal Case Number: E084312
KSENIA GRACHEVA, Deputy Attorney General State Bar No. 333659 Office of the Attorney General 600 West Broadway, Suite 1800 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 738-9235 Fax: (619) 645-2012 E-mail: Ksenia.Gracheva@doj.ca.gov Attorney(s) for: Respondent	Trial Court Case Number: RIF2000128
PETITIONER: Robert Tafoya, On Habeas Corpus	
RESPONDENT: The People of the State of California	
APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (CRIMINAL CASE)	

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   ☒ informal response (IR)

   ☐ combined respondent's brief (RB) and appellant's opening brief (AOB) (see rule 8.216)

   ☐ combined appellant's reply brief (ARB) and respondent's brief (RB) (see rule 8.216)

   ☐ appellant's reply brief (ARB)

   Now due on *(date)*: 09/03/2024 be extended to *(date)*: 09/23/2024

2. I ☐ have ☐ have not received a rule 8.360(c)(5) notice.

3. I have received

   ☐no previous extensions of time to file this brief.

   ☒the following previous extension:

   (number of extensions): 1 extension from the court totaling *(total number of days)*: 22

   Did the court mark any previous extension "no further?" ☐ Yes ☒ No

4. The last brief filed by any party was: ☒ Petition for writ of habeas corpus ☐ RB ☐ RB and AOB ☐ ARB and RB

   Filed on *(date)*: 07/19/2024

5. The record in this case is:

	Volumes (#)	Pages #	Date filed
Clerk's Transcript:			
Reporters Transcript:			
Augmentation/Other:			

6. Defendant was convicted of *(specify)*: One count of stalking with an active restraining order, eight counts of filing false documents, seven counts of perjury, and one count of unlawfully attempting to take custody of a minor.

7. The conviction is based upon a *(check one)*:

   ☒ jury verdict

   ☐ plea of guilty or no contest

ument received by the CA 4th District Court of Appeal Division 2.

CA 4th District Court of Appeal Division 2 Court Name	**PROOF OF SERVICE**	E084312 Case Number

1. At the time of service, I was at least 18 years of age.
2. My email address used to e-serve: **Ksenia.Gracheva@doj.ca.gov**
3. I served a copy of the following document(s) indicated below:

Title(s) of documents served:

REQUEST - REQUESTED - EXTENSION OF TIME: Request for Extension of Time - 2nd

Person Served	Service Address	Type	Service Date
Attorney Attorney General - San Diego Office	sdag.docketing@doj.ca.gov	e-Serve	08-30-2024 2:34:39 PM
Holly D. Wilkens, Supervising Deputy Attorney General			2093b4ef-2906-429c-a723-e4bcca3f2eca
Ksenia Gracheva	Ksenia.Gracheva@doj.ca.gov	e-Serve	08-30-2024 2:34:39 PM
Office of the Attorney General			9cddd411-ad15-40fd-a185-fd0d338fc884
Almeatra Morrison	almeatra.morrison@doj.ca.gov	e-Serve	08-30-2024 2:34:39 PM
AG- Department of Justice			af91bd1b-896a-4bc0-8f88-605919fd9af6
Appellate Defenders Inc.	eservice-court@adi-sandiego.com	e-Serve	08-30-2024 2:34:39 PM
			878cc09e-976a-4e27-ae5c-fd1d4b7162b2
Cynthia M. Jones	cjones@avatarlegal.com	e-Serve	08-30-2024 2:34:39 PM
			b6a561bc-ba3b-4a88-bf8c-fd9386f75249
Robert Michael Tafoya, #BS8619	P.O. Box 1050, A2-132 Soledad, CA 93960	Mail	08-30-2024 2:34:39 PM
			5724b297-c276-4304-b575-a1b42c3255ad

TrueFiling created, submitted and signed this proof of service on my behalf through my agreements with TrueFiling.
The contents of this proof of service are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury that the foregoing is true and correct.

08-30-2024
Date

/s/Almeatra Morrison
Signature

Gracheva, Ksenia (333659)
Last Name, First Name (Attorney Number)

COURT OF APPEAL, FOURTH APPELLATE DISTRICT, DIVISION TWO	Court of Appeal Case Number: E084312
KSENIA GRACHEVA, Deputy Attorney General State Bar No. 333659 Office of the Attorney General 600 West Broadway, Suite 1800 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 738-9235 Fax: (619) 645-2012 E-mail: Ksenia.Gracheva@doj.ca.gov Attorney(s) for: Respondent	Trial Court Case Number: RIF2000128
PETITIONER: Robert Tafoya, On Habeas Corpus	
RESPONDENT: The People of the State of California	
APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (CRIMINAL CASE)	

1. I, Ksenia Gracheva, request that the time to file *(check one)*

   ☐ appellant's opening brief (AOB)

   ☒ informal response (IR)

   ☐ combined respondent's brief (RB) and appellant's opening brief (AOB) (see rule 8.216)

   ☐ combined appellant's reply brief (ARB) and respondent's brief (RB) (see rule 8.216)

   ☐ appellant's reply brief (ARB)

   Now due on *(date)*: 09/23/2024 be extended to *(date)*: 10/03/2024

2. I ☐ have ☒ have not received a rule 8.360(c)(5) notice.

3. I have received

   ☐no previous extensions of time to file this brief.

   ☒the following previous extensions:

   (number of extensions): 2 extensions from the court totaling *(total number of days)*: 40

   Did the court mark any previous extension "no further?" ☐ Yes ☒ No

4. The last brief filed by any party was: ☒ Petition for writ of habeas corpus ☐ RB ☐ RB and AOB ☐ ARB and RB

   Filed on *(date)*: 07/19/2024

5. The record in this case is:

	Volumes (#)	Pages #	Date filed
Clerk's Transcript:			
Reporters Transcript:			
Augmentation/Other:			

6. Defendant was convicted of *(specify)*: One count of stalking with an active restraining order, eight counts of filing false documents, seven counts of perjury, and one count of unlawfully attempting to take custody of a minor.

7. The conviction is based upon a *(check one)*:

   ☒ jury verdict

   ☐ plea of guilty or no contest

CA 4th District Court of Appeal Division 2 Court Name	**PROOF OF SERVICE**	E084312 Case Number

1. At the time of service, I was at least 18 years of age.
2. My email address used to e-serve: **Ksenia.Gracheva@doj.ca.gov**
3. I served a copy of the following document(s) indicated below:

Title(s) of documents served:

REQUEST - REQUESTED - EXTENSION OF TIME: Request for Extension of Time - 3rd

Person Served	Service Address	Type	Service Date
Attorney Attorney General - San Diego Office	sdag.docketing@doj.ca.gov	e-Serve	09-23-2024 11:03:10 AM
Donald W. Ostertag, Deputy Attorney General			08a03b53-cd16-4687-a20e-19d91c48d3e1
Ksenia Gracheva	Ksenia.Gracheva@doj.ca.gov	e-Serve	09-23-2024 11:03:10 AM
DOJ			31f7635c-6cb4-449e-8168-149c78c28176
Almeatra Morrison	almeatra.morrison@doj.ca.gov	e-Serve	09-23-2024 11:03:10 AM
AG- Department of Justice			9db93c1b-e9f2-4d96-bd43-2377995637b7
Cynthia M. Jones	cjones@avatarlegal.com	e-Serve	09-23-2024 11:03:10 AM
			8b3907ce-29af-4ce9-8c09-5016baa7e051
Robert Michael Tafoya, #BS8619	P.O. Box 1050, A2-132 Soledad, CA 93960	Mail	09-23-2024 11:03:10 AM
			954eb733-a7e4-4d64-90cd-90138373b1e5

TrueFiling created, submitted and signed this proof of service on my behalf through my agreements with TrueFiling.
The contents of this proof of service are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury that the foregoing is true and correct.

09-23-2024
Date

/s/Almeatra Morrison
Signature

Gracheva, Ksenia (333659)
Last Name, First Name (Attorney Number)

DOJ
Firm Name

EXHIBIT

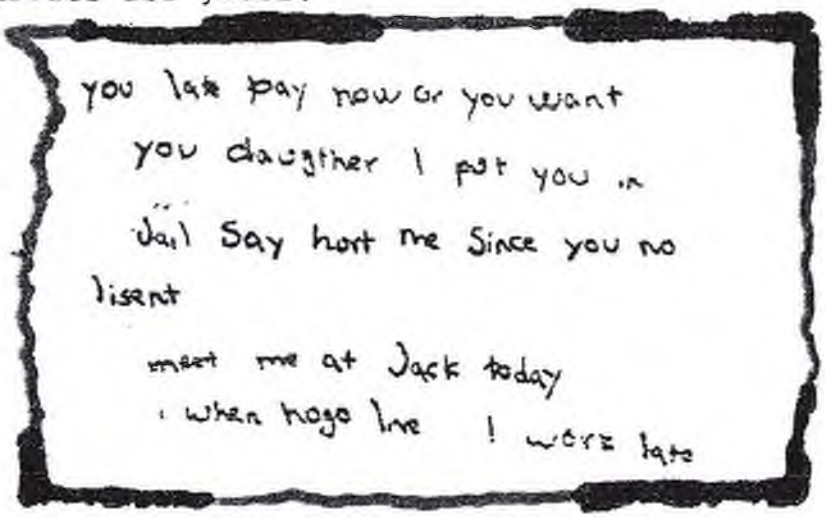
EXHIBIT: 16

DOCUMENTED CONDUCT OF PARTY

SUBJECT: Elisseth Esmirelda (Barerra) Ramirez
DOB: 5/20/1984 L4: XXX-XX-6167

1. Criminal Threats/Extortion

Below (Figure 1) is a handwritten note created and left by my ex-fiancee' Elisseth Barerra Ramirez, threatening me in furtherance of a prior demand for monetary provision. This particular note was left on the screen-door of one of my previous residences in 2018 while I was living and working in the state of Colorado. It was reported by those residing at the address. I have dealt with these continued threats for years.



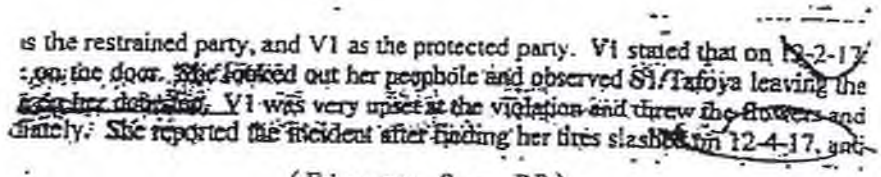
(Figure 1 - CT - E)

The above threat states "You [are] late[,] pay now or you want you[r] daughter[.] I [will] -- put you in jail [and] say [you] hurt me since you [don't] listen[.] Meet me at jack [in the box] today when Hugo leave[s.] I work late".

2. False Reporting to Law Enforcement

Since the breakup of our relationship, both I and Elisseth obtained DV-Restraint against each other. I was never aware of the court-dates and hers was secured by default under false-pretense. I have recorded numerous events in what can only be described as her weaponization of the restraint, which she uses to get whatever she wants or just feels like inflicting "punishment". From August 2017 through March 2018 I was living / working in the state of Colorado-

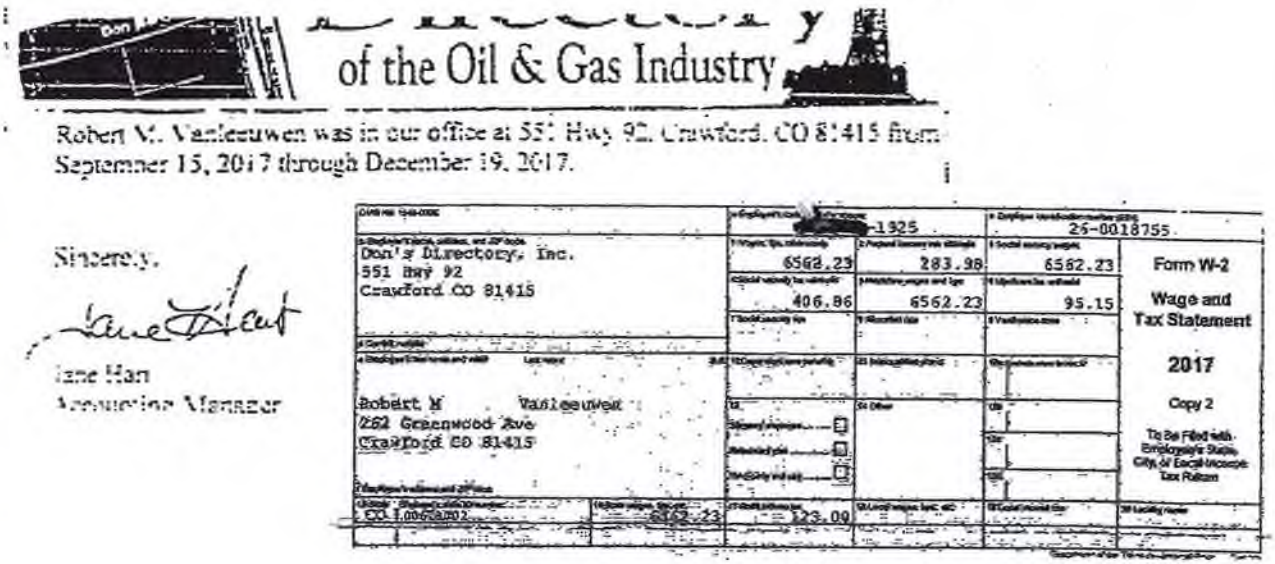
Without leave. Below (Figure 2) is a snapshot of a police report on events in December of 2017. The report was filed by Riverside City Police in Riverside County, California. The report number / ID is 'P1804866'*. In this report Elisseth falsely states that she is an eyewitness to a violation of restraint, and that she saw me with her own eyes. This was notably impossible as I was in another state altogether.


is the restrained party, and V1 as the protected party. V1 stated that on 12-2-17 ... on the door. She looked out her peephole and observed S1/Tafoya leaving the ... her doorstep. V1 was very upset at the violation and threw the flowers and ... diately. She reported the incident after finding her tires slashed on 12-4-17, and

(Figure 2 - PR)

The report snapshot above states "S1 is the restrained party, and V1 as the protected party. V1 stated that on 12-2-17 (...) she heard a knock on the door. She looked out her peephole and observed S1/Tafoya leaving the [flowers] on her doorstep. V1 was very upset at the violation and threw the flowers and (...) away immediately. She reported the incident after finding her tires slashed on 12-4-17, and (...)".

Below (Figure 3) is a snapshot of my employers statement and the jobs W2 from 2017. The statement says clearly "Robert M. - Vanleeuwen was in our office at 551 HWY 92, Crawford, CO 81415 from September 15th, 2017 through December 19th, 2017".


of the Oil & Gas Industry

Robert M. Vanleeuwen was in our office at 551 Hwy 92, Crawford, CO 81415 from September 15, 2017 through December 19, 2017.

Sincerely,

Jane Hart
Accounting Manager

[redacted]-1325		26-0018755	
Don's Directory, Inc. 551 Hwy 92 Crawford CO 81415	6562.23	283.98	6562.23
	406.86	6562.23	95.15
Robert M Vanleeuwen 262 Greenwood Ave Crawford CO 81415			
CO 1006[illegible]	6562.23	123.00	

Form W-2
Wage and Tax Statement
2017
Copy 2
To Be Filed with Employee's State, City, or Local Income Tax Return

(Figure 3 - EMP/W2)

EXHIBIT

EXHIBIT: 17

CR-125/JV-525

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
ROBERT TAFOYA BK# 202001391 ROBERT PRESLEY DETENTION CENTER 4000 ORANGE STREET RIVERSIDE CA. 92501 TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): ROBERT TAFOYA, IN PRO PER	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: MAILING ADDRESS: 4000 MAIN STREET CITY AND ZIP CODE: RIVERSIDE CA. 92501 BRANCH NAME: RIVERSIDE	
CASE NAME: PEOPLE VS. ROBERT TAFOYA	
ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS: **Subpoena/Subpoena Duces Tecum**	CASE NUMBER: RIF2000128

You must attend court or provide to the court the documents listed below. Follow the orders checked in Item 2 below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

1. To: (*name or business*) CUSTODIAN OF RECORDS RIVERSIDE CO. SHERIFF'S DEPARTMENT

2. You must follow the court order(s) checked below:
   a. ☐ Attend the hearing.
   b. ☐ Attend the hearing *and* bring all items checked in c. below.
   c. ☑ Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):
      (1) INMATE: ROBERT TAFOYA, BK# 2018 10874. DOCUMENTS RELATED TO DATE
      (2) INMATE WAS BOOKED INTO AND RELEASED FROM RSO CUSTODY. INFORMATION
      (3) SHOWING LOCATIONS WHERE INMATE WAS HOUSED DURING THAT TIME PERIOD
      ☐ *If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items."*
   d. ☑ If someone else is responsible for maintaining the items checked in c. above, that person (the Custodian of Records) must also attend the hearing.
   e. ☑ If this box is checked and you deliver all items listed above to the court **within 5 days of service of this order,** you do not have to attend court if you follow the instructions in Item 5.

3. **Court Hearing Date:** Date: 12/06/2021 Time: _____ Dept.: 51 Rm.: _____
   The court hearing will be at (*name and address of court*): RIVERSIDE JUSTICE CENTER 4000 MAIN STREET RIVERSIDE CA. 92501
   Call the person listed in Item 4 below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in Item 4. You may be entitled to witness fees, mileage, or both, in the discretion of the court. Ask the person in Item 4 after your appearance.

4. The person who has required you to attend court or provide documents is:
   Name: ROVERT TAFOYA Phone No.: _____
   Address: 4000 ORANGE STREET
   Number, Street, Apt. No.
   RIVERSIDE CA. 92501
   City State Zip
   Date: _____ Signature ▶ _____
   Name and Title

SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE — FOR COURT USE ONLY

DECLARATION

CUSTODIAN OF RECORDS – RIVERSIDE COUNTY SHERIFF'S DEPARTMENT

TITLE OF ACTION: **PEOPLE vs. TAFOYA (PRO PER)**

NUMBER OF ACTION: **RIF2000128**

DATE OF HEARING **06/18/21** OR CONTINUED TO: **N/A**

NAME OF PARTY OBTAINING SUBPOENA: **ROBERT MICHAEL TAFOYA**

NAME OF BUSINESS SUBPOENAED: **RIVERSIDE COUNTY SHERIFF'S DEPT.**

I, the undersigned, being the duly authorized Custodian of Records of the above-named business, and having the authority to certify the records, declare the following:

The following is true as to those records described: (Must check one of the following)

X (a) The copies transmitted are true copies of part of the original records described in the Subpoena.
Per booking records: Defendant Robert Michael Tafoya / DOB: 07/24/1990
Booked into SCF facility on 03/20/2018 on booking 20180107S4.
Released on 07/12/2019.

These records are not to be released outside of the Judicial System

___ (b) That, a thorough search of our files, carried out under my direction and control, revealed No document as called for in the Subpoena Duces Tecum that is understood that such Records could exist under another spelling, name or classification, but that **with the Information furnished to our office**, and to the best of my knowledge, no such records exist in our files

___ (c) **Per current policy, Riverside Sheriff Department is unable to release any and all body camera recordings based on Confidential Official information pursuant to California Evidence Code Section 1040, 1040(b) (2),** Government Code 6254 (f), 6255, And Personal Privacy Protection under Article 1, Section 1 of the California Constitution **without a Court Order. Including Audio, video interviews.**

That the records referred to above were prepared by the personnel of the above-named business in the ordinary course of business, at or near the time of the acts, conditions, or events occurred.

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on **06/17/21** Riverside California, by Theresa Garcia - Subpoena Clerk, Riverside County Sheriff's Department.

Signature

T 2017 18786

Arrest Time: 10:49	RIVERSIDE COUNTY SHERIFF'S DEPARTMENT Receiving Sheet	Booking Date and Time: 03/20/18 / 1552	
Arrest Date: 03-20-18	DEFENDANT INFORMATION	Booking Number: 2018 10784	
Last Name: F. M: TAFOYA ROBERT MICHAEL			
Street: 226 N. GREENWOOD	City: CRAWFORD	State: COLORADO	
Zip: 81415	Home Telephone: [redacted]	(Prior/Current) Military: Yes ☐ No ☒	
Sex: M	Race: W	DOB: 07-24-90	Age: 27
Height: 5'9	Weight: 120		
Hair: BRO	Eyes: BRO	Place of Birth: NEW YORK - USA	
Drivers License & State: D7220074 CA		SSN: [redacted]	
Employer: SELF		Occupation: WEB DESIGN	
Other Names Used: ROBERT VANLEEUWEN			
Emergency Contact: [redacted]		Relationship: MOTHER-IN-LAW	
Address of Contact: UNKNOWN IN COLORADO		Phone: [redacted]	
Tattoos - Scars - Marks: NO TATTOOS			

ARREST INFORMATION

Arresting Agency: RIVERSIDE POLICE	Agency Case Number: P18131793		
Arrest Location: 5202 ARLINGTON AVENUE. RIVERSIDE 92504			
Vehicle Disposition/Towing Company: AUTO AIDE TOW - (951) 687-3333			
Arresting Officer/I.D. #: C. VAUGHAN #424	Transporting Officer/I.D. #: OFC. REE #1592, OFC KERR #1697		

BOOKING CHARGES

Type of Arrest: On View ☐ Warrant ☒ Citizen ☐ Other ☐

Charges	M / F	Narrative	Court	Warrant #	Bail
WARRANT	F	PC 646.9(B), PC 594(A)	RIV SUPERIOR	RIF1705055	$25,000
BENCH WARRANT	M	PC 273.6(A)	RIV SUPERIOR	RIM1704268	$15,000
BENCH WARRANT	M	PC 273.6(A)	RIV SUPERIOR	RIM1617097	$15,000
BENCH WARRANT	M	VC 14601.1(A)	RIV SUPERIOR	RIM1710417	$2,500

DOMESTIC VIOLENCE NOTIFICATION - PER 646.92 PC

Victim requesting notification? YES NO — If "YES" attach RSD Form 568, "Notification of Release" Form, to Receiving Sheet

Miscellaneous Information

Displayed suicidal behavior?	YES	(NO)
Involved in a Vehicle Accident?	YES	(NO)
Fought with Law Enforcement?	YES	(NO)
Fought with other than Law Enforcement?	YES	(NO)
Did arrestee ever lose consciousness?	YES	(NO)
Are there any special housing needs?	YES	(NO)
Did arrestee require an O.K. to book?	YES	(NO)
Did arrestee get tased?	YES	(NO)

(Explain)

Billing Information (For Business Office Use Only)

On / Sight: _____
Agency Case Number: _____
Riverside County Warrant Number: _____
Originating Police Agency: _____
Reviewed by: _____
Send Bill to: _____

Citation Release Denied? YES NO Approving Supervisor: _____ Reason Denied: _____

Recommendation for O.R. Release? YES (NO) Reason Denied: _____

Arresting Agency to be notified upon release of prisoner? YES (NO) Person & 24 hr Phone #: _____

Agency contact time & Date: _____ Who was contacted? _____ By whom: _____

CONSULAR NOTIFICATION - PER P&P §04.33 MANDATORY ☐ REQUESTED ☐

Yes ☐ No ☐ Country: _____ Name/ID# of person making notification: _____

Arresting Officer: C. VAUGHAN Booking Officer: CERVANTES #1590

Distribution: Original - Booking File; Green - Field Report; Yellow - O.R. Clerk; Pink - Classification/Medical/Entry; Goldenrod - Arresting Officer

RSD Form 568 (Rev. 10/17) 17

DECLARATION

CUSTODIAN OF RECORDS – RIVERSIDE COUNTY SHERIFF'S DEPARTMENT

TITLE OF ACTION: **PEOPLE vs. TAFOYA (PRO PER)**

NUMBER OF ACTION: **RIF2000128**

DATE OF HEARING **06/18/21** OR CONTINUED TO: **N/A**

NAME OF PARTY OBTAINING SUBPOENA: **ROBERT MICHAEL TAFOYA**

NAME OF BUSINESS SUBPONAED: **RIVERSIDE COUNTY SHERIFF'S DEPT.**

I, the undersigned, being the duly authorized Custodian of Records of the above-named business, and having the authority to certify the records, declare the following:

The following is true as to those records described: (Must check one of the following)

X (a) The copies transmitted are true copies of part of the original records described in the Subpoena.
Per booking records: Defendant Robert Michael Tafoya / DOB: 07/24/1990
Booked into SCF facility on 03/20/2018 on booking 2018010784.
Released on 07/12/2019.

These records are not to be released outside of the Judicial System

__ (b) That, a thorough search of our files, carried out under my direction and control, revealed No document as called for in the Subpoena Duces Tecum that is understood that such Records could exist under another spelling, name or classification, but that **with the Information furnished to our office**, and to the best of my knowledge, no such records exist in our files

__ (c) **Per current policy, Riverside Sheriff Department is unable to release any and all body camera recordings based on Confidential Official information pursuant to California Evidence Code Section 1040, 1040(b) (2),** Government Code 6254 (f), 6255, And Personal Privacy Protection under Article 1, Section 1 of the California Constitution **without a Court Order. Including Audio, video interviews.**

That the records referred to above were prepared by the personnel of the above-named business in the ordinary course of business, at or near the time of the acts, conditions, or events occurred.

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on 06/17/21 Riverside California, by Theresa Garcia - Subpoena Clerk, Riverside County Sheriff's Department.

Signature: _____

1/20/2018 15:56 INTAKE RECEIPT Dep. J. Cervantes

Booking Number: 201810784

Name: TAFOYA, ROBERT MICHAEL
Booking Date: 3/20/2018 Booking Time: 1550

Identifying Features: NONE

P R O P E R T Y
SHIRT GRY
PANTS BLK SHORTS
SOCKS BLK
WATCH YLW MTL
RING BLK MTL
No Other Items

Cash Taken $12.00

I certify the above is a correct record of my personal property and authorize the Sheriff to receive and inspect my mail while confined and agree not to hold the Sheriff responsible for money or articles taken or mailed to the jail for me.

INMATE SIGNATURE X

BOOKING OFFICER SIGNATURE X 5301 Russell

Telephone Contact
By Arresting Agency
None Desired
Phone Room
Time
#
#
Time

Housing Location

X
INMATE SIGNATURE

RIGHT THUMB PRINT
INTAKE RELEASE

INTAKE: File Breakdown:
SCA Quintero N6580 Date 3/20/18 Time 2250

INTAKE: Warrants/Wants NO:
CDII VINLOVE N4857 Date 3/20/18 Time 1811

3/20/2018 2345 BOOKING SHEET SCA Edith Cooper

Booking Number: 201810784
Booking Date: 3/20/2018 Booking Time: 1550
Name: TAFOYA, ROBERT MICHAEL
Address: 226 N GREENWOOD
CRAWFORD CO 81415
[redacted]
AKAS: TAFOYA, ROBERT ANTHONY

Arresting Officer: C. VAUGHAN
Transport Officer: BEE
Agency: Riverside PD
Arrest Date: 3/20/2018 Time: 1849
Location: 5202 ARLINGTON AVENUE RIVERSIDE 92504

Booked By: Dep. J. Cervantes
Number: 424
Number: 1592
Number: RIF1705055

Sex : Male
Race : W - White
Height: 5' 09"
Weight: 120
Eyes : BRO
Hair : BRO

DOB: 7/24/1990 Birth Place: NEW YORK
U.S. Citizen ? Y
SSN : [redacted]
DLN : D7220374 CA

Emergency Contact
[redacted]

Possible 2nd Strike? NO Possible 3rd Strike? NO
Identifying Features: NONE

Type	Section	Code	Class	Description	
RCW					250000.00
	594(A)	PC	F	MALICIOUSLY DEFACE W/PAI	
	646.9(B)	PC	F	STLKING W/TEMP RST/ORDER	
RCW					15000.00
	273.6(B)	PC	M	VIO OR PREV DOM VIO W/PR	
RCW					15000.00
	273.6(A)	PC	M	VIO CT OR PREV DOM VIO	
RCW					2500.00
	14601.1(A)	VC	M	DRI/LIC SUSPENDED	

INMATE HOUSING STATUS

TAFOYA	ROBERT	03-26-2018 15:50	
3/26/18		#1655	
	MEDICALLY CLEARED		
3-26-18	3848	Class	
3/30	C473	CW)	
03/05/18	0200	Class	
3-3-18	H1-1	Class	
TAFOYA	ROBERT	201810784	

RIVERSIDE COUNTY SHERIFF'S DEPARTMENT
Custody Transfer Transportation Order

ate Name **TAFOYA, ROBERT** Bkg# **201810784** Date for Transport 3/30/2018

From	To	Purpose
RPDC	SWDC	X-Fer

Inmate Booking File	✓	✓
Receiving Sheet	✓	✓
Court Papers	✓	✓
Warrant(s)		
Inmate Property		
Hold Order(s)		
Juvenile Petition		
Inmate Cash Card		

Cash $ ______ X-fer in cust status

cessing Officer SLA Cochran N5440 Name/ID# Date 033018 Receiving Officer CA Haubrick N5094 Name/ID# Date 033018

marks L3

Classification Assessment for Victimization

s the inmate a victim of sexual abuse at the previous facility? ☐ Yes ☑ No

es, notify supervisor and refer to Corrections Policy 501.24.

ne of Supervisor notified ______ Date/Time notified: ______

e/Time Interviewed ______ Classification Deputy: Perez M5037 Name/ID#

D Form 533 (Rev. 05/13/14)

7/12/2019 1243 JAIL INFORMATION MANAGEMENT SYSTEM PAGE 1 OF 1
RELEASE VERIFICATION

Booking Number: 201810784
Name: TAFOYA, ROBERT MICHAEL
Aka's: TAFOYA, ROBERT MICHAEL JR
VANLEEUWEN, ROBERT*

Release Status: CTRL

Cleared on 7/12/2019 1243 CD K. Stanton

Identifying Features: NONE

Authorized By: [signature] 7-12-19 1832
Inmate Identity Verified by Date Time

C. Sgt. Lindo N5868 CL 07/12/19 / 1330
Release Paperwork Verified by Date Time

Clothing Released: Box:

TYPE	DESCRIPTION	RELEASED TO	DATE
SHIRT	GRY		
PANTS	BLK SHORTS		
SOCKS	BLK		

Property Released: Box:

TYPE	DESCRIPTION	RELEASED TO	DATE
WATCH	YLW MTL		
RING	BLK MTL		

NONE 7/12/2019 1738 hrs
Cash Received Date Time

[signature] West 16778
INMATE SIGNATURE RELEASE OFFICER SIGNATURE

I Certify that all property and monies belonging to me have been returned and accounted for by the Sheriff and release the Sheriff from all claims.

3/20/2018 1748 BOOKING SHEET SCA Edith Cooper

Booking Number: 201810784
Booking Date: 3/20/2018 Booking Time: 1550
Name: TAFOYA, ROBERT MICHAEL

RELEASE: File Assembled: Sr. CD II Nunez N5010 Date 07/12/19 Time 1150
RELEASE: Warrants/Wants NEG: By Tully N5956 Date 7/12/19 Time 1250
RELEASE INFORMATION:

BALANCE OF FINE $ _____ RECEIPT # _____ DAYS SERVED _____
$ _____ RECEIPT # _____ DAYS SERVED _____
BAIL PAYMENT $ _____ RECEIPT # _____
BOND PAYMENT $ _____ BOND # _____ BOND AGENCY _____
$ _____ BOND # _____ BOND AGENCY _____
APPEARANCE DATE: _____ TIME _____ COURT _____
_____ TIME _____ COURT _____
RELEASED TO: _____ _____ _____
OFFICER I.D. # AGENCY
METHOD OF RELEASE: CTRL

* * * * * * * * * * * * COMMENTS / NOTES * * * * * * * * * * * *

PETITIONERS REQUEST FOR ADMISSIONS

E084312

In RE: Vanleeuwen (Tafoya) On Habeas

To Respondent

1. You are acting in the role of Zealous Advocate

2. There is no false statement listed in Count 3 Of the latest information

3. There is no False Statement listed in the information for any perjury count

CERTIFICATE OF SERVICE BY MAIL

I, undersigned, declare:

- I am 18 years of age or older & NOT party to action.
- I live/work in the county where mailing took place.
- On 11/19/24 - I served the following:

(1) Reply Traversing IR (2) Req. Judicial Notice(s)
(3) Req. Sanction Con. (4) Req. On Admission
(5) MX Relief on failed Mailing.

By depositing said document(s) in a sealed/sealable envelope, postage thereon fully prepaid, for mailing by the United States Post Office at Soledad, addressed as follows:

Attorney General
600 W. Broadway #1800
San Diego, CA - 92186

PER 28 U.S.C. § 1746 - I declare the above as true / correct under penalty of perjury.

Dwight Summers
P.O. 1050
Soledad CA 93960

x. Dwight Summers.
Signature

* CCP § 1013 Compliant